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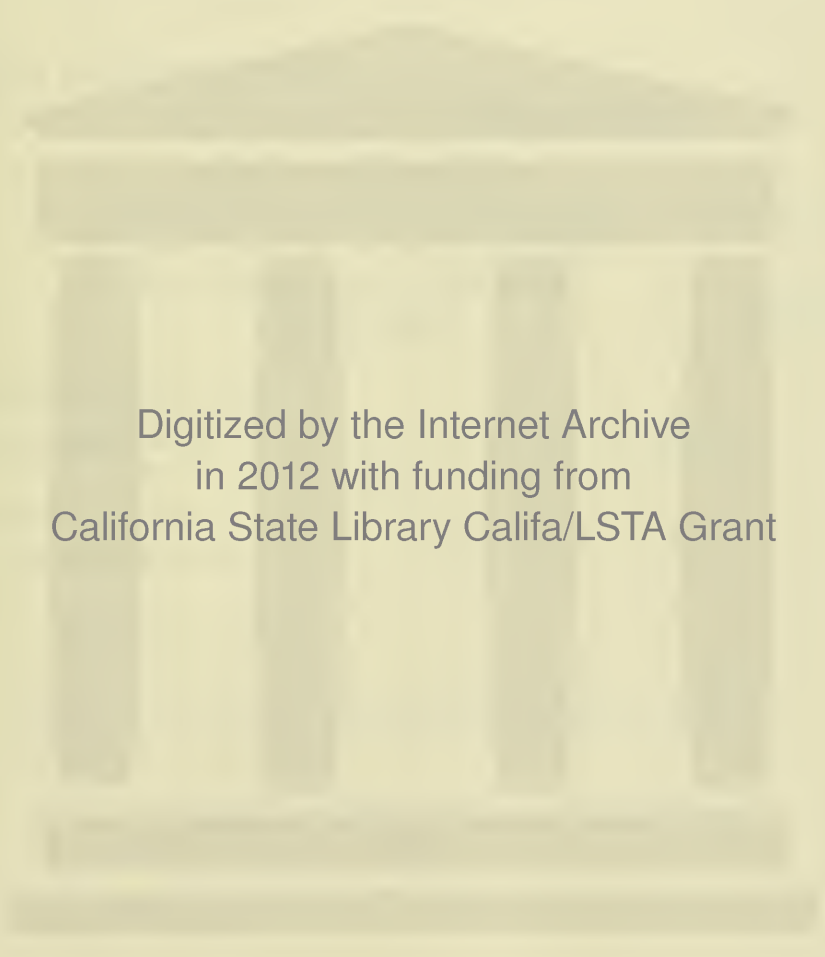


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*City and County of San Francisco*

## **Planning Department**

July 21, 2005 (special meeting)

# **SAN FRANCISCO PLANNING COMMISSION Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place**

**Thursday, July 21, 2005**

**12:00 PM**

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## **Special Meeting**

### **COMMISSIONERS PRESENT:**

Michael J. Antonini, Dwight S. Alexander,  
Shelley Bradford Bell, Sue Lee, and Christina  
Olague

### **COMMISSIONERS ABSENT:**

Kevin Hughes and William L. Lee

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 12:22 p.m.**

### **A. EXECUTIVE SESSION**

**PLANNING DIRECTOR SEARCH** - The Planning Commission will meet in closed session pursuant to San Francisco Administrative Code Section 67.10(b) and Government Code Section 54957(b)(1) to review resumes of candidates for the position of Director of Planning.

At the conclusion of the closed session, and pursuant to Section 67.10(b) of the San Francisco Administrative Code, the Commission will reconvene in open session and shall by motion and vote elect to:

1. Disclose no information, or

1. Disclose information which a majority deems to be in the public interest.

**SPEAKER(S):** None

**ACTION:** During the public hearing that followed this Executive Session, the Commission voted not to disclose

information

AYES:

Alexander, Antonini, Bradford Bell, S. Lee, Olague

ABSENT: W. Lee and Hughes

**Adjournment: 1:03 p.m.**

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, October 27, 2005.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** Alexander



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*City and County of San Francisco*

## **Planning Department**

July 21, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

DOCUMENTS DEPT.

DEC 19 2006

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## **Meeting Minutes**

**Commission Chambers - Room 400**

**City Hall, 1 Dr. Carlton B. Goodlett Place**

**Thursday, July 21, 2005**

**1:30 PM**

**REGULAR MEETING**

**COMMISSIONERS PRESENT:** Sue Lee; Dwight Alexander; Michael Antonini;  
Shelley Bradford-Bell; Christina Olague; William  
Lee

**COMMISSIONERS ABSENT:** Kevin Hughes

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:45 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry Badiner –  
Zoning Administrator; Dan Sider; Jonathan Purvis; Sara Vellve; Rick Crawford;  
Mathew Snyder; Mary Woods; Bill Wycko; Linda Avery – Commission Secretary.

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2005.0527D  
(415) 558-6169)

(G. CABREROS:

1847 SCOTT STREET - west side between Pine and Bush Streets; Lot 003 in Assessor's Block 1050 - **Request for Discretionary Review** of Building Permit Application No. 2003.09.17.5059, proposing to add two stories to an existing two-story, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

(Preliminary Recommendation: Pending)

**(Proposed for Continuance to August 11, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee

ABSENT: Alexander and Hughes

2. 2004.0916L (M. SNYDER:  
(415) 575-6891)

900 INNES AVENUE - northeast side between Griffith and Winters Point Boulevard. Assessor's Block 4646 and Lot 007 - **Request for Landmark Designation** under Planning Code Sections 1004.1, 1004.2 as City Landmark No. 250. The subject property is within an NC-2 (Neighborhood Commercial - Small Scale) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of July 7, 2005)

**(Proposed for Continuance to August 11, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee

ABSENT: Alexander and Hughes

3. 2002.0449E (T. CHAN:  
(415) 558-5982)

375 FREMONT STREET - **Certification of a Final Environmental Impact Report**: Subsequent to the publication of the Draft EIR, the project sponsor identified a new preferred alternative similar to Alternative B presented in the Draft EIR. The preferred project, called Alternative D, is a 250-foot-tall, 28-story residential building of approximately 349,071 gross square feet (gsf) consisting of 225 dwelling units and about 217 underground parking spaces. One existing two-story building on the site, which totals approximately 46,500 gross square feet, would be demolished. The 375 Fremont Street Hjul. Building, constructed in 1929, is a listed in four local surveys containing buildings that could be considered historic resources. The project site is located about mid-block on the eastern side of Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from a lobby facing Fremont Street. The site is within the RC-4 (Residential/Commercial High-Density) district, and a 250-R height/bulk district. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District, which is awaiting final adoption by the Board of Supervisors. Should the Board of Supervisors adopt the propose Rincon Hill DTR, the proposed project would be in the new 85/400-R height and bulk district.

Preliminary Recommendation: Certify the Final Environmental Impact Report. Note: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 6, 2005. The Planning Commission does not conduct public review of Final EIRs. Public

comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
 ABSENT: Alexander and Hughes

4. 2004.1078D (J. PURVIS:  
 (415) 558-6354)

2417 BRYANT STREET- east side south of 22<sup>nd</sup> Street; Lot 023 in Assessor's Block 4151 - **Request for Discretionary Review** of Building Permit Application No. 2004.02.27.7308 proposing the addition of two full floors for two additional dwelling units to an existing single-family dwelling in an RM-1 (Residential, Mixed, Low-Density) Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve with Revisions.

(Continued from Regular Meeting of June 16, 2005)  
**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
 ABSENT: Alexander and Hughes

- 5a. 2004.1106CV (J. PURVIS:  
 (415) 558-6354)

1360-1364 STEVENSON STREET - west side between McCoppin and Duboce Streets; Lot 073 in Assessor's Block 3513 - **Request for Conditional Use Authorization** under Planning Code Section 215(a) to construct a four-story, five-unit residential building on a vacant lot within the C-M (Heavy Commercial) District. A Rear Yard Variance is also sought and will be heard by the Zoning Administrator following the hearing on the Conditional Use. The site is within the C-M District, and a 105-E Height and Bulk District.

Preliminary Recommendation: Approve with Conditions.  
 (Continued from Regular Meeting of June 23, 2005)  
**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
 ABSENT: Alexander and Hughes

- 5b. 2004.1106CV (J. PURVIS:  
 (415) 558-6354)

1360-1364 STEVENSON STREET - west side between McCoppin and Duboce Streets; Lot 073 in Assessor's Block 3513 - **Request for a Rear Yard Variance** under Section 134(a) of the Planning Code to provide rear yard open space within an inner court and a rear setback as part of the construction of a four-story, five-unit residential building on a vacant lot within the C-M (Heavy Commercial) District and a 105-E Height and Bulk District.

**(Proposed for Continuance to September 1, 2005)**



SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
 ABSENT: Alexander and Hughes

**SPEAKERS ON A REQUEST FOR CONTINUANCE FOR ITEM 10a-c at 1140 POTRERO AVENUE:**

**SPEAKERS:**  
**Sue Hestor**

1. Does not support the continuance at all and is prepared to go forward.

**C.J. Hugley**

1. Just brought on board with this case. They just learned that there is an inaccuracy in the soundness report for this project.
2. In order to allow us time to correct these inaccuracies, we respectfully request a continuance.

**Pat Baschowitch**

1. The soundness report is inaccurate.
2. He asked the Commission to allow additional time to do a detailed soundness report.

**Jesus Gomez**

1. Against granting the continuance.

**Nick Pagolaro**

1. Opposed the continuance

**David Streinberg, Project Architect**

- Supports continuance

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

6. Commission Comments/Questions

**Commissioner Antonini:**

*Re: Mentioned he received a copy of the Housing Inventory Study that was produced by the Mayor's Office of Housing.*

**Commissioner Olague:**

1. Asked Director Macris about having an opportunity to talk with Sup. McGoldrick, regarding the scheduling of Better Neighborhoods.

**Director Macris responded:**

- He spoke to Sup. McGoldrick. We will be scheduling a hearing on Better Neighborhoods on July 28, 2005

**Commissioner S. Lee:**

1. Commented on the scheduling of Better Neighborhoods on 7/28/05. She

reminded everyone that the calendar is very full. We have 3 Discretionary Reviews, Market-Octavia; 1880 Mission and Home Depot.

**Director Macris**

Re: He made a clarification that the Housing Inventory Study is a publication done by the Planning Department not the Mayor's Office.

**C. DIRECTOR'S REPORT**

**7. Director's Announcements**

1. The Department and the City are through with the budget process, and we're very happy with the outcome. This will put us on the road to rebuilding our Department.
8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals  
**BOS:**  
 There were two basic additions that were put into the budget on the first reading by the full Board: The first is an additional 5 positions for hospital management; the other one is two positions to coordinate and extend our historic preservation resource survey.

**BOA:**

1. 111 Manchester Street – This was a demolition on Bernal Heights before the Commission about two years ago. Planning Department recommended approval of the demolition and to allow the new construction. The Planning Commission, in fact, took Discretionary Review and disapproved the project. The Board of Appeals overturned the Planning Commission decision. They did so apparently without findings.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Patricia Vaughey**

1. She has not seen the Better Neighborhoods Plus document(s).
2. Just received a list of the working groups.
3. She has not seen anything in the newspaper about the working group meetings.
4. Would like to know if the Brown Act and the Sunshine Ordinance were followed.

**Judy Berkowitz**

1. In its regular meeting on Tuesday, July 19, 2005 the Coalition for San Francisco Neighborhoods, passed the following resolution: The Coalition respectfully urged the Planning Commission to request immediately that the Board of Supervisors extend 60 days--until September 28--the prescribed time within which the Planning Commission may render its decision on the proposed Better Neighborhoods Ordinance.



**John Bardis**

1. Asked the Planning Commission to request from the Board of Supervisors a 60 day extension on the Better Neighborhoods Ordinance.

**Marilyn Amini**

1. This legislation needs ample time for everyone to have input into the process.

**E. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

**PULLED OFF CONSENT CALENDAR AND HEARD AS AN ITEM UNDER THE REGULAR CALENDAR.**

9. 2005.0524T (D. SIDER:  
(415) 558-6697)

**Consideration of an Ordinance [Board of Supervisors File Number 050829] which would amend the Planning Code by adding Section 166** to require that new public-serving establishments and substantially renovated public-serving establishments install baby diaper-changing accommodations and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval

**SPEAKERS:**

**Pat Bascowitz**

1. Disabled community needs to have some input on this, before this goes in.

**ACTION:** Public hearing closed. The Commission decided to forward the proposed ordinance back to the Board of Supervisors without a Commission recommendation.

**AYES:** S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W. Lee

**ABSENT:** Hughes

**RESOLUTION:** 17064

**•RE GULAR CALENDAR**

- 10a. 2004.1234D (J. PURVIS:  
(415) 558-6354)

**1140 POTRERO AVENUE** - west side north of 24th Street; Lot 009 in Assessor's Block 4211 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2004.07.23.9615,

proposing the demolition of a one-story-over-garage, single-family dwelling in an RH-3 (Residential, House, Three-Family) Use District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Take DR and Disapprove the Demolition.  
(Continued from Regular Meeting of June 9, 2005)

**SPEAKERS:**

**Jesus Gomez, Property owner**

1. There has been a systematic attempt to diminish the property since I purchased it.
2. He respectfully requested that the Commission deny the proposed project.

**Judy Berkowitz**

1. It is obvious that this property has been neglected.
2. There is graffiti in the front of it.
3. This does look to be a sound building.
4. Asked the Commission to disapprove the demolition

**Diana Gomez**

1. Outrageous over the proposed demolition of 1140 Potrero Avenue, and the construction of a 44-foot high replacement structure the owner has applied for.
2. Asked the Commission to deny Mr. McDonald's proposal.
3. This project will change the nature of the neighborhood.

**Nick Pabolaro**

1. In support of the neighbors around 1140 Potrero Avenue.

**Ruby Harris**

1. Asked the Commission to deny the demolition.

**Andrew Carter**

1. Against the demolition.
2. It would be nice if another family gets the chance to live there and enjoy the American dream.

**Marvin Lopez**

1. Against the demolition.

**Bertha Lopez**

1. Against the demolition.
2. This building will be like a giant in the middle of our neighborhood.
3. This construction will affect us directly.

**Sonia Gomez**

1. Everything that has to do with the demolition will affect my parents possibly to the point that they would have to be relocated.

**Kathy Ramashadi**

1. Asked the Commission to please stop the demolition.

**Philip (unclear last name)**

1. It will be unwise to allow this owner to do what he wants to this property.

**Joe Buttler**

Asked the Commission to deny the demolition permit based on the fact that soundness is both incomplete and does not demonstrate the 50 or 75 percent ratios.

**Miriam Zamora**

1. Against the demolition.

**Sue Hestor**

1. All these families bought a house that they could afford. Some houses needed lots work, but they could afford it and they raised a family.
2. This is the most precious stock of housing in the City.
3. She asked the Commission to seriously enforce the policies that they have in place in the Resident Element, to look at the staff analysis, and to look at the experience of waste that has been promoted by this owner.

**C.J. Higley**

1. This is a dilapidated property that needs to be demolished.

**David Steinberg****Pat Bascowitz**

1. Soundness report is unacceptable.

ACTION: Took Discretionary Review and disapproved  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W.

Lee

ABSENT: Hughes

10b. 2005.0148DDV (J. PURVIS:  
 (415) 558-6354)

1140 POTRERO AVENUE - west side north of 24th Street; Lot 009 in Assessor's Block 4211 - **Neighbor-Initiated Discretionary Review** and **Mandatory Discretionary Review** under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2004.07.23.9619 proposing the construction of a three-story-over-garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) Use District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Take DR and Disapprove the Replacement Building.

(Continued from Regular Meeting of June 9, 2005)

SPEAKERS: Same as the speakers for 10a.

ACTION: Closed public hearing and continued to December 1,

2005

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W.  
 Lee  
 ABSENT: Hughes

10c. 2005.0148DDV (J. PURVIS:  
 (415) 558-6354)

1140 POTRERO AVENUE - west side north of 24th Street; Lot 009 in Assessor's Block 4211 - **Front Setback Variance** under Seciton 132 of the Planning Code to construct a three-story-over-garage, three-family dwelling within 6.5 feet of the front property line, whereas a 15-foot setback would be required under Section 132. The property is within an RH-3 (Residential, House, Three-Family) Use District, and a 65-A Height and Bulk District.

(Continued from Regular Meeting of June 9, 2005)

SPEAKERS: Same as the speakers for 10a.

ACTION: The ZA closed the public hearing and continued to  
 December 1, 2005

11a. 2004.1064D (J. PURVIS:  
 (415) 558-6354)

3011 20<sup>TH</sup> STREET - south side between Alabama and Florida Streets; Lot 038 in Assessor's Block 4085 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2004.11.04.8582, proposing the demolition of a one-story-over-garage, single-family dwelling in an RM-1 (Residential, Mixed, Low-Density) Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary review and Approve the Demolition.

SPEAKERS:

**John Sanger, representing Project Sponsor**

1. This project would be a gain for the neighborhood, for the project sponsor, and for the City.

**Katherine (unclear last name)**

1. Concerned about the creek that runs underneath this land. Whenever they do a building it seems to transfer water.
2. He is worried that if this building is demolished and a larger building is put in that there is not much dirt to suck up the water.

**Mark Liiz**

1. The character of the neighborhood is changing and people getting priced up and out. These units should have a consideration in terms of low income tax residents in the neighborhood.

**Sue Hestor**

1. This is not going to be affordable housing.
2. This is not appropriate for the neighborhood. It does not even fit.

**Robert Pender**

1. Objects to the loss of more rent controlled housing.

**Paul (unclear last name)**

1. Supports the demolition

**Unclear name**

1. Supports the demolition of the property to improve the neighborhood and the small businesses that have started to be developed in the area.

**Hans Lee**

1. Supports the demolition.

**Andrew Wilkinson**

1. Supports the demolition of this house to create more family housing that could be affordable for low-income people.

**Denise LaPointe**

1. This project will improve the neighborhood, and it is consistent within the neighborhood.

**Gabriel Ng – Project Architect**

1. Gave an overall description of the project.

**Dave (unclear last name)**

1. Supports the demolition.

**Alex Holmer**

1. It will be a nice addition to the neighborhood.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W. Lee

ABSENT: Hughes

11b. 2005.0271D  
(415) 558-6354)

(J. PURVIS:

3011 20<sup>TH</sup> STREET - south side between Alabama and Florida Streets; Lot 038 in Assessor's Block 4085 - **Mandatory Discretionary Review**, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2004.11.04.8587 proposing the construction of a three-story-over-garage, three-family dwelling in an RM-1 (Residential, Mixed, Low-Density) Use District, and a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and Approve the Replacement Building.

SPEAKERS: Same as those listed in Item 11a.  
 ACTION: Did not take Discretionary Review and approved.  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W.

Lee

ABSENT: Hughes

12. 2005.0380D (S. VELLVE:  
 (415) 558-6263)

2733 LOMBARD STREET - south side between Baker and Lyon Streets, Lot 024 in Assessor's Block 0940 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.07.2807 to change the ground-floor use of a mixed-use building from personal service (Super Hair), to a full-service restaurant (Sho) located in an NC-2 (Small-Scale Neighborhood Commercial) District, and 40-X Height/Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve the Proposal as submitted.

SPEAKERS:  
**Patricia Vaughney**

1. Concerned about the parking and traffic that is becoming very difficult.

**Doug Wong, Property owner**

1. We are happy to comply. We want to be good neighbors.

**Eduardo Rodriguez-Decastro**  
 - Concerned about parking and noise.

ACTION: Took Discretionary Review and approve as amended:

- T he last seating for dinner service shall be not later than 10:00 p.m.
- T he last call for alcohol shall be not later than 10:00 p.m.
- V alid valet parking shall be provided.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell  
 ABSENT: Hughes, Olague, and W. Lee

13. 2002.0532DDDD (R. CRAWFORD:  
 (415) 558-6358)

567 SANCHEZ STREET - east side between 19th and Hancock Streets. Assessor's Block 3585 Lot 032 - **Request for Discretionary Review** of Building Permit Application No. 2005 0418 0216, for revisions to previously approved plans and permit for a new 4-story (three over garage) one-family dwelling in an RH-3 (Residential House, 3 Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Disapprove the Permit.

SPEAKERS:  
**Jerrad Chan, first Discretionary Review Requestor**

1. This is a matter of law, not a popularity contest.
2. Asked the Commission to think very careful about their decision because it might have legal repercussions.



**Frederick Bullick, second Discretionary Review Requestor**

1. Removal of the setback would have a negative impact on the air and light in three rooms of my house.

**Roger Lott, third Discretionary Review Requestor**

1. Concerned about his privacy and asked the Commission to uphold the staff recommendations and deny the request for permit changes.

**Steve Nicholson**

1. Deny the request for permit changes.

**Paul (unclear last name)**

1. Uphold Planning Department's staff recommendations.

**Carol Mckinny**

1. Deny the request for permit changes.

**Sue Hestor**

1. Asked Commission to disapprove all new changes.

**Ken Bass**

1. Concerned about this new building affecting his quality of life.

**Eva Del Campo**

1. Asked the Commission to uphold the comprise agreement by denying the request for this permit and modifications.

**David Cincotta, representing Project Sponsor**

1. Asked Commission to approve the permit

**Ed Hardy, Project Sponsor**

1. I have tried to work out a compromise deal for the last three years with my neighbors.
2. This is going to be my home. There is no speculation. I had to put my heart and soul into it.
3. It will enhance the neighborhood.

**Ron Cranston, supporting the Project Sponsor**

1. The objections to Mr. Hardy's proposal, has much more to do with the un-comprehensible ulterior motives of the Discretionary Review Requestor.

**Jerry Buberka, Architect for the Project**



1. Gave a demonstration of the new changes to the project.

**Unclear name**

1. In favor of project.

**Steve Clark**

1. Mr. Hardy is building a very beautiful building for our neighborhood.
2. This building will enhance our neighborhood.

**John Morato**

1. He fully supports Mr. Hardy's project.

**Bob Nelson**

1. Mr. Hardy's design is very appealing.
2. Objections of the neighbors are very un-reasonable.

**Joann Nelson**

1. Mr. Hardy's house reflects every aspect of a Mediterranean style.
2. The modifications that Mr. Hardy is requesting are not only reasonable but have also been very pleasingly designed.

**Ed (unclear last name)**

1. The proposed design meets San Francisco Building Codes and fits the neighborhood character.

<b>ACTION:</b>	Took Discretionary Review and disapproved.
<b>AYES:</b>	S. Lee, Alexander, Bradford-Bell, Olague
<b>NAYES:</b>	Antonini
<b>ABSENT:</b>	Hughes
<b>EXCUSED:</b>	W. Lee (He was absent for more than 90% of public testimony)

14a. 2005.0220CD  
(415) 575-6891)

(M. SNYDER:

748 INNES AVENUE - east side of Innes Avenue between Fitch and Earl, Lot 005A in Assessor's Block 4644 - **Request for Conditional Use** authorization to allow a message establishment under Planning Code Sections 711.54 and 790.60, in a tenant space of a mixed-use building that is currently being proposed for the vacant site. The project also requires Conditional Use for another of the building's proposed uses, a health spa (defined as personal service per Planning Cod Section 790.116) that would be approximately 5,400 gross square feet; it requires Conditional Use authorization under Planning Code Sections 711.21 and 790.130 for being larger than 4,000 square feet. The subject property is within an NC-2 (Neighborhood Commercial, Small-Scale) District, a 40-X Height and Bulk District.  
Preliminary Recommendation: Approve with Conditions.

**SPEAKERS:**

**Alex Roshad, representing Project Sponsor**

1. Asked the Commission to approve the project.

**John Cybill**

1. Spoke in favor of the project.

**Wendy (unclear last name)**

1. The entire neighborhood supports this project.

**Pauline Peel**

1. Is in favor of the project.

**Michael (unclear last name)**

Asked the Commission to support the project.

Lee	ACTION:      Approved
	AYES:        S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W.
	ABSENT:     Hughes
	MOTION:     17065

14b. 2005.0220CD (M. SNYDER:  
(415) 575-6891)

748 INNES AVENUE- east side of Innes Avenue between Fitch and Earl, Lot 005A in Assessor's Block 4644 - **Request for Discretionary Review** of Building Permit Application No. 2004.12.23.2066 proposing to make design changes for a previously approved permit that would include extending the second and third floors out further to the rear, establishing three additional dwelling units for a total of six dwelling units, and reconfiguring the proposed uses on the second floor and the basement floor. The property is within an NC-2 (Neighborhood Commercial, Small-scale) District, and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and Approve Project as proposed.

SPEAKERS: None

ACTION: Discretionary Review was withdrawn prior to the hearing.

15a. 2002.1263CV (M. SNYDER:  
(415) 575-6891)

333 FREMONT STREET (a.k.a. 329-349 FREMONT STREET) - east side between Folsom Street and Harrison Street, Lot 019 in Assessor's Block 3747 - **Informational Presentation to the Planning Commission** of the final design for the proposed project approved under Case No. 2002.1263C and Planning Commission Motion No. 17044. Pursuant to Condition No. 5 on the Conditions of Approval, the final design is not to be approved until an informational presentation is made to the Planning Commission. The subject property is within an RC-4 (Residential-Commercial Combine, High Density) District, a Rincon Hill Residential Special Use Sub-district, and a 200-R Height and Bulk District.

SPEAKERS:

**Steve Walker, Project Architect.**

1. Gave an overall description and review of the project.

ACTION: Informational Only. No Action Required.

15b. 2002.1263CV (M. SNYDER:  
(415) 575-6891)

333 FREMONT STREET (a.k.a. 329-349 FREMONT STREET) - east side between Folsom Street and Harrison Street, Lot 019 in Assessor's Block 3747 - **Request for Variances** from the Planning Code requirements for dwelling unit exposure (Planning Code Section 140), upper story setback (Planning Code Section 249.1(c)(3)), and open space (Planning Code Section 249.1(c)(4)(A)). The subject property is within an RC-4 (Residential-Commercial Combined High Density) District, a Rincon Hill Residential Special Use Sub-district, and a 200-R Height and Bulk District. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District and is awaiting final adoption by the Board of Supervisors. Should the Board of Supervisors adopt the proposed Rincon Hill DTR, the proposed project would be in the new 85/250-R height and bulk district.

SPEAKERS:  
**Steve Walker, Project Architect.**

1. Gave an overall description and review of the project.

ACTION: **ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND GRANTED THE VARIANCES.**

16a. 2005.0129CV (M. WOODS:  
(415) 558-6315)

3640 SACRAMENTO STREET - north side between Locust and Spruce Streets; Lot 010, in Assessor's Block 1011 - **Request for Conditional Use** authorization under Planning Code Sections 121.2, 178, 303, 724.21 and 724.42 to allow a use size that exceeds 2,499 square feet by legalizing the expanded use size of an existing full-service restaurant (most recently occupied by La Table) and allowing the further expansion of the full-service restaurant space into an adjacent retail space (currently occupied by Kimberly Bragg Interior Design) for a total use size of approximately 6,300 square feet. The site is within the Sacramento Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of July 7, 2005)

SPEAKERS:  
**Tim Tannan, Project Sponsor**

1. Asked the Commission to approve his application

**Gregg Clasasky, Project Architect**  
- Gave an overall description of the project.

ACTION: Approved:  
AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
NAYES: Alexander

ABSENT: Hughes  
MOTION: 17066

- 16b. 2005.0129CV (M. WOODS:  
(415) 558-6315)  
3640 SACRAMENTO STREET - north side between Locust and Spruce Streets; Lot 010, in Assessor's Block 1011 - **Request for Off-Street Parking Variance**. Planning Code Section 151 requires one off-street parking space per 200 square feet of occupied floor area, when the occupied floor area exceeds 5,000 square feet. The parking requirement for the proposed project is 31 spaces. However, based on a parking credit of 20 spaces for the existing building, the Variance application is for the 11-space deficit. The project is proposing zero spaces. The application for Variance will be considered by the Zoning Administrator, following the Conditional Use hearing described above.

SPEAKERS: Same as those listed for item 16a.

ACTION: **ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND APPROVE WITH STANDARD CONDITIONS OF APPROVAL.**

17. 2003.0410E (B. WYCKO:  
(415) 558-5972)  
3575 GEARY BOULEVARD INSTITUTE ON AGING SENIOR HEALTH SERVICES FACILITY & AFFORDABLE SENIOR HOUSING PROJECT- Hearing on Draft Environmental Impact Report - The project site is at 3575 Geary Boulevard between Arguello Boulevard and Stanyan Street in Assessor's Block 1083, Lot 2 and Assessor's Block 1084, Lot 4. The site is zoned NC-3 (Moderate-Scale Neighborhood Commercial) District and is in an 80-A Height and Bulk District. The project sponsor proposes to develop a senior health services facility and 30 supportive housing units for independent seniors, to be operated by the Institute on Aging (IOA), as well as an additional 120 affordable senior dwelling units, built by BRIDGE Housing. These uses would operate in a new six-story building totaling 177,600 gross square feet (gsf), with 122,140 gsf used for the senior supportive housing units and affordable senior housing units and 55,450 gsf for IOA senior health services and office space. On the sloped project site, the new building would be up to 72 feet in height along Geary Boulevard and up to 59.5 feet in height along its frontage at Almaden Court. The first floor of the building, a portion of the second floor and a portion of one below-grade level of space would be devoted to IOA's offices, senior health services facilities, and meeting space. The proposed senior health services facilities would consolidate, replace, and expand similar existing IOA operations in the area. The upper four stories would provide a total of 120 studio, one- and two-bedroom units affordable to seniors earning up to 50 percent of area median income and 30 group housing/transitional senior housing units. A one-level, 27,732-gsf, underground parking garage with 67 spaces would be provided for use by IOA staff, service providers, and residents. The existing single-screen, 33,000 gsf Coronet Theater, and an adjacent surface parking lot with 93 parking spaces, would be demolished to accommodate the project. The project would require a conditional use authorization, authorization as a Planned Unit Development (PUD), and approvals by the Department of Public Works and Department of Parking and Transportation.

SPEAKERS:

**Daniel (unclear last name), read a letter for Kate White.**

1. The project would be an improvement to the visual quality of the neighborhood.

**Tim Mason**

1. Asked the Commission to adopt the EIR.

**Jeanne Lynch**

1. She strongly supports the project

**Peter Winklestein**

- He is very much in favor of the project.

**Mark Fighera**

1. Supports affordable housing for seniors and all residents of San Francisco.

**Katherine Devincenzi**

1. This project as proposed would be a 70-foot structure. It will have a significant adverse visual effect on the existing environment and a significant adverse impact on neighborhood character.

**Greg Hilton**

- The Citizens of Jordan Park are in favor of the use of this project.

**Chris Nelsen**

1. This project would have a visual impact on his street.

**Rocky Papale**

1. Asked the Commission not to adopt the EIR

**Unclear name**

1. Against the EIR.

**Libby Benedict**

1. This project would impact our neighborhood immensely.

**Paula Romanosky**

1. Concerned about, air, quality of life, and obstruction of views.

**Laury Ronsenthal**

1. We do support senior housing, but this EIR needs to have more studies.

**Richard Worner**

1. EIR is inaccurate.

**SaraLee Keropian**



1. Against the approval of the EIR.
2. Concerned about the visual quality impact.

**John Stewart**

1. Concerned about the loss of views, wind and the bulk of the building.

**Ken Passamaneck**

1. Concerned about the loss of his view.

**Katherine Hecht**

1. Concerned about the height, bulk and density, the lack of parking and the negative impact on the environment that we all will have to live with.

**Tom Ross**

1. Concerned about the scale of the project.

**Gabie Berliner**

1. The massiveness of the building is totally out of character with the neighborhood.

**Janet Goodson**

1. Concerned about the height, density and the monster size.

**Ryan Crowley**

1. This project would not fit within the neighborhood.

**Kathyrin Simmons**

1. There will be a negative visual impact on our neighborhood.
2. It will be detrimental to the beauty and magnificence of the City.]

**Rose Wilson**

- EIR is inaccurate.

ACTION: Meeting held. Public Hearing closed. No Action.

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the

public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**9:17  
P.M.**

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, October 27, 2005.**

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander







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City and County of San Francisco

## Planning Department

July 28, 2005 (Special Hearing)

# SAN FRANCISCO PLANNING COMMISSION

**Special Meeting Minutes**  
Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
**Thursday, July 28, 2005**  
**1:00 PM**

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COMMISSIONERS PRESENT: Sue Lee; Michael J. Antonini; Shelley Bradford Bell;  
Kevin Hughes; William L.  
Lee; Christina Olague

COMMISSIONER ABSENT: Dwight S. Alexander

STAFF IN ATTENDANCE: Dean Macris - Director of Planning; Larry Badiner -  
Zoning Administrator, Amit Ghosh, Dan Sider, Linda Avery - Commission  
Secretary

THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:10 PM

### A. SPECIAL CALENDAR

The Planning Commission will open the hearing on this item for an information presentation and to take public comment for approximately 30 minutes. The Planning Commission will not adjourn this Special Meeting on July 28, 2005, but will continue the item. Public comment will remain open. The Commission will not take any action on the item on July 28, 2005, but may act to approve or disapprove the ordinance at a future hearing.

2005.0524T

(D. SIDER: (415) 558-6697)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS -  
Consideration of an Ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process" by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code

regarding discretionary review for projects located within plan areas.  
 Preliminary Recommendation: Commission Holds Public Hearing  
 (Continued from Regular Meeting of July 14, 2005)  
**THIS IS AN INFORMATIONAL HEARING ONLY.**

**SPEAKERS:**  
**George Williams**

1. He was the SPUR representative that worked with Supervisor McGoldrick on this legislation.
2. The goal was to establish a better way to bring about neighborhood planning.

**Joe Boss**

1. There are a lot of concerns/ confusions and so forth coming from some communities.
2. This legislation is being driven by a vary unique coalition.
3. We did not have closed doors. There were people who discussed things with us.
4. This is not a single process.

**Dennis Antenore**

1. Worked with Supervisor McGoldrick for the last two years on drafting this legislation. Was motivated by the fact that when he was a member of this Commission, it was during the dot com, there were tremendous impacts from developments in neighborhoods, particularly in the eastern side of the City.

**Calvin Welch**

1. The entire thrust of this legislation is to place on equal footing community interest especially in regard to the impacts of major development plans in San Francisco.
2. The whole objective of this exercise has been as public as possible to involve as many people in the planning process.

**Steve Currier**

1. He absolutely disagrees that this has been a public process.
2. There was no public input.
3. Found about it just a week ago.

**Jeffrey Leibovitz**

1. This is the first time he is seeing this legislation
2. He did not get a phone call from anybody who claims that this is a public process.

**Kate White**

1. The intention of this legislation is to institutionalize this very successful program and to ensure intensive community input into planning. To make sure that these plans just do not sit on the shelf, but actually have an implementation section, strageties for funding public improvements, that neighborhood groups have a say and an ongoing over site of these plans.

**Tess Wellborn**

1. What this legislation does is set up a way that all neighborhoods, residents, and/or business can be involved.

**Fernando Marti**

1. Expressed his concerns about the lack of public input.

**Peter Cohen**

1. It is important to consider this legislation in the context of increasing regional pressure on San Francisco for higher density of in-fill development.

**Judy Berkowitz**

1. Respectfully requested that the Commission send a letter urging the Board of Supervisors to immediately extend to September 28, 2005 the prescribed time within which the Planning Commission may make its decision on the proposed Better Neighborhoods Plus.

**Marilyn Amini**

1. Spoke about the inadequacy of the public notice.

**Penelope Clark**

1. Just recently received notice of this legislation and has not had a chance to bring it back to her neighborhood group for their review.
2. We need to have more studies.
3. She hopes the Commission will ask the Board of Supervisors for an extension.

**Jennifer Clary**

1. Not enough public notification.

**Ellen Kernaghan**

-She is appalled and dismayed to learn of the self appointed panel that has developed this legislation.

1. This ordinance has not had public participation.
2. For the last two years they have been having secret meetings.

**Chris Selig**

1. Supports the legislation.
2. Asked the Commission to not delay this legislation because the importance of community benefits is in their rezoning process.

ACTION: Meeting held. The public hearing remains open. Continued to August 4, 2005.

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
ABSENT: W. Lee and Alexander

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE**

**REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, March 2, 2006.**

SPEAKERS:           None  
ACTION:            Approved  
AYES:             S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT:           Alexander



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City and County of San Francisco  
**Planning Department**

July 28, 2005

# SAN FRANCISCO PLANNING COMMISSION

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## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, July 28, 2005

2:00 PM

Regular Meeting

**COMMISSIONERS PRESENT:** Sue Lee; Michael J. Antonini; Shelley Bradford Bell;  
Kevin Hughes; William L. Lee; Christina Olague

**COMMISSIONER ABSENT:** Dwight S. Alexander

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 2:50 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry Badiner – Zoning Administrator; Jonathan Purvis; Mathew Snyder; Kate McGee; Paul Maltzer; Rana Ahmadi; Tammy Chan; Linda Avery - Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0672EC  
NISHIMURA: (415) 558-5967)

(I.



**5800 THIRD STREET RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT- Appeals of Preliminary Mitigated Negative Declaration** - The proposed project would consist of construction of a residential and commercial mixed-use development after demolition of a defunct bottling plant facility at 5800 Third Street (Assessor's Block 5431A, Lot 001), at the southwest corner of Third Street and Carroll Avenue in the Bayview neighborhood. The project would include 355 multi-family residential units in four buildings, 13,000 gross square feet (gsf) of ground floor retail space in two of the buildings that would be along Third Street, and 379 off-street parking spaces in the four buildings. The four buildings would total 641,920 gsf in size, ranging in height from 50 to 60 feet tall (four to five stories) and would be built around a central plaza and a private driveway with two visitor loading spaces, with access from Carroll Avenue. Sixteen surface parking spaces for the retail uses would be provided on the south side of the project site, with access provided from a right-turn-only driveway on Third Street at the southern boundary of the site. Twenty surface parking spaces for visitors would be provided along the central private driveway. Currently, the 5.75-acre site is occupied by a three-story, 103,000-gsf closed Coca-Cola bottling plant constructed in 1966, which would be demolished. Current use of the site is temporary parking of moving company trucks and charter buses. The site is within an M-1 (Light Industrial) District, the Third Street Special Use District (SUD), a 65-J Height and Bulk District, and the proposed Bayview Hunters Point Redevelopment Projects and Zoning Health Center Activity Node. The project would require Conditional Use Authorization for a Planned Unit Development and for residential uses in an M-1 District by the Planning Commission, which is a public hearing process.

(Continued from Regular Meeting of July 7, 2005)

**(Proposed for Continuance to August 11, 2005)**

**SPEAKERS:** None

**ACTION:** Without hearing, item continued to August 11, 2005)

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague

**ABSENT:** Alexander and W. Lee

2. 2003.0672EC

(M.

SNYDER: (415) 575-6891)

**5800 THIRD STREET** - currently occupied by the vacant Coca Cola facility, southwest corner of Third Street and Carroll Avenue, Lot 001 in Assessor's Block 5431A - **Request for Conditional Use** authorization to allow dwelling units in an M-1 District. Under Planning Code Sections 303 and to allow a Planned Unit Development under Planning Code Section 304. Exceptions to the limitation on density (Planning Code Section 215) and the rear yard requirement (Planning Code Section 134) are being requested under the Planned Unit Development. The subject property is within an M-1 (light industrial) District, the Third Street Special Use District, and a 65-J Height and Bulk District.

(Continued from Regular Meeting of July 21, 2005)

**(Proposed for Continuance to August 11, 2005)**

**SPEAKERS:** None

**ACTION:** Without hearing, item continued to August 11, 2005)

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague

**ABSENT:** Alexander and W. Lee

3a. 2005.0626D

(J. PURVIS:

(415) 558-6354)

**3350 20<sup>TH</sup> STREET** - northwest corner of 20th and Shotwell Streets; Lot 015 in Assessor's Block 3594 - **Request for Discretionary Review**



of Demolition Permit Application No. 2004.11.19.9724 to demolish a one-story Quonset hut used as a artist's live-work studio, and replace it with a mixed-use building with six dwelling units over garage and commercial space in an NC-2 (Small-Scale Neighborhood Commercial) Use District and a 50-X Height and Bulk District.

Preliminary Recommendation: Do Not Take DR and Approve the Demolition.

(Continued from Regular Meeting of July 7, 2005)

**(Proposed for Continuance to August 4, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to August 4, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

3b. 2004.1022D  
(415) 558-6354)

(J. PURVIS:

**3350 20<sup>TH</sup> STREET** – northwest corner of 20th and Shotwell Streets; Lot 015 in Assessor's Block 3594 – **Request for Discretionary Review** of Building Permit Application No. 2004.11.19.9736 to build a five-story building with six dwelling units over garage and commercial space following demolition of a commercial live/work studio in an NC-2 (Small-Scale Neighborhood Commercial) Use District and a 50-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve the New Construction.

(Continued from Regular Meeting of July 7, 2005)

**(Proposed for Continuance to August 4, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to August 4, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

4. 2005.0459T  
(415) 558-6697)

(D. SIDER:

**PLANNING CODE SECTION 260 AMENDMENTS - Consideration of an Ordinance amending San Francisco Planning Code by amending section 260 to increase the height exemption for elevator penthouses from 10 to 16 feet**, to allow the Zoning Administrator to grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval with Modifications

(Continued from Regular Meeting of June 23, 2005)

**NOTE: On June 16, 2005, following public testimony, the Commission closed the public hearing, and continued the matter to June 23, 2005 by vote +6 –0. Commissioner William Lee was absent. Public hearing remains open for any new information.**

**(Proposed for Continuance to August 4, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to August 4, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

5a. 2003.0295CDV

(I. WILSON:

(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Conditional Use** authorization pursuant to Sections 209.1 and 228.3 of the Planning Code to convert a service station use to residential use and to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now vacant. This project is also seeking a Variance from the Planning Code, and is the subject of a request for Discretionary Review.

**Preliminary Recommendation: Approval with conditions**

(Continued from Regular Meeting of June 23, 2005)

**(Proposed for Continuance to ~~August 4, 2005~~ August 11, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to August 11, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

5b. 2003.0295CDV

(I. WILSON:

(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Discretionary Review** of Building Permit Application No. 2003.04.25.3201, proposing to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. This project is also seeking a Variance from the Planning Code, and requires Conditional Use authorization.

**Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.**

(Continued from Regular Meeting of June 23, 2005)

**(Proposed for Continuance to ~~August 4, 2005~~ August 11, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to August 11, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

5c. 2003.0295CDV

(I. WILSON:

(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Variance** from the rear yard requirements of Planning Code Section 134. The proposal is to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. A Variance is required to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior corner of the lot of approximately 1,480 square feet. This project also requires Conditional Use authorization, and is the subject of a request for Discretionary Review.

**(Proposed for Continuance to ~~August 4, 2005~~ August 11, 2005)**

SPEAKERS: None  
 ACTION: Without hearing, item continued to August 11, 2005)  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
 ABSENT: Alexander and W. Lee

6. 2004.0545DDDDD (S. VELLVE:  
 (415) 558-6263)

2707 LARKIN STREET - west side between Chestnut and Francisco Streets; Lot 003 in Assessor's Block 0477 - **Requests for Discretionary Review** of Building Permit Application No. 2003.06.22.7592 proposing to construct a one-story vertical addition above an existing three-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Without hearing, item continued to September 1, 2005)  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
 ABSENT: Alexander and W. Lee

7a. 2004.1266CDZ (S. VELLVE:  
 (415) 558-6263)

301-323 - 14TH AVENUE (AKA 1301 CLEMENT STREET) - southwest corner of 14th Avenue and Clement Street, Lot 054 (formerly Lots 001, 004, 006, 053) in Assessor's Block 1446: **Request for Conditional Use authorization for a Planned Unit Development (PUD)** pursuant to Planning Code Sections 209.3 and 304 to demolish two religious institutional structures (Congregation Beth Shalom), and the construction of a new 24,000-square foot, 40-foot high synagogue structure, requiring exceptions to the Planning Code's rear yard, front setback and parking requirements.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Without hearing, item continued to September 1, 2005)  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
 ABSENT: Alexander and W. Lee

7b. 2004.1266CDZ (S. VELLVE:  
 (415) 558-6263)

323 - 14TH AVENUE - west side between Clement Street and Geary Boulevard, Lot 054 (formerly Lots 001, 004, 006, 053) in Assessor's Block 1446 - **Mandatory Discretionary Review** under the Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2005.06.15.5144, proposing to demolish a 3-story, single-family structure currently used as a meditation center within an RH-3 (House, Three Family) Use District and a 40-X Height and Bulk District. The structure will be replaced by a new structure for Congregation Beth Shalom.

Preliminary Recommendation: Pending  
**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None  
 ACTION: Without hearing, item continued to September 1, 2005)  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
 ABSENT: Alexander and W. Lee

7c. 2004.1266CDZ  
(415) 558-6263)

(S. VELLVE:

301-323 – 14TH AVENUE - southwest corner of 14th Avenue and Clement Street, Lot 054 (formerly Lots 001, 004, 006, 053) in Assessor's Block 1446 - **Request for Zoning Reclassification** to abolish a 35-foot long, 10-foot deep legislated front setback along the southeastern portion of the lot (formerly Lots 004 and 006) pursuant to Planning Code Sections 131 and 302. The elimination of the setback is being sought to allow construction of the new Beth Sholom Synagogue to the front property line. *(An alteration to Block Book Map # 1446 in Volume 12 will graphically reflect the change, rather than the Zoning Map as indicated in previous notices).*

Preliminary Recommendation: Pending

**(Proposed for Continuance to September 1, 2005)**

SPEAKERS: None

ACTION: Without hearing, item continued to September 1, 2005)

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague

ABSENT: Alexander and W. Lee

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 8. Commission Comments/Questions

#### **Commissioner Olague:**

Re: To get a better understanding of First Source Hiring, she requested an informational hearing.

#### **Zoning Administrator – Larry Badiner responded:**

1. We'll be happy to do that.

- The Department needs to deal with the implementation of First Source Hiring and some issues have been brought to our attention.

1. A hearing on this issue from the administrator of the program, Don Haza, would be very useful.

#### **Commissioners Olague:**

1. Spoke briefly with the Mayor's Office of Community Development and they have some pilot programs in the works. It might be good to also have them present to give us some information about these programs.

*Re: Article in the Chronicle July 21, 2005, "City 5000 units behind Affordable Housing Goal "*

1. Based on report, how can the Department be part of the solution instead of constantly hearing about the problem?

#### **Dean Macris – Director of Planning responded:**

1. If the Commission really wants an end to this, we probably should have Matt Franklin come to the Commission and explain the approach that the Mayor's Office is using on this.

*Re: Octavia-Market Plan*

1. Would like to talk to the City Attorney or member of staff regarding density bonuses.

**Dean Macris – Director of Planning responded:**

1. Asked her to come by the Department to have an informal discussion about.

**Commissioner W. Lee:**

1. Thanked Marshall Foster regarding his presentation to the San Francisco Business Times, which discusses affordable housing.
  - Agreed with facts that this Planning Commission actually approved more affordable housing units than any other Commission that we can remember.
1. We are creating more affordable housing. The public needs to understand that before this Commission was formed, we were only producing 1000 units a year. It is very difficult to get 5000 affordable housing units.
2. Strongly recommended that Mathew Franklin, Mayor's Office of Community Development come to the Commission and explain the funding he has available to promote more affordable housing.

**Commissioner Bradford-Bell:**

1. Asked Director Macris to schedule Eastern Neighborhoods on September 8 because she is not going to be attending the meeting of September 1.

**Dean Macris – Director of Planning responded:**

1. The Department's plan was to make a presentation on the Eastern Neighborhoods Interim Controls, on September 8, 2005

**Commissioner Antonini:**

- In terms of comments by Commissioner Olague, I agree it would be interesting to see what part--not in terms of the affordable /inclusion component but at the market rate housing--what part of the process is responsible for the cost.
1. Hotel/Condo conversion issue: there are couple of projects today that are coming to us that involve a change of usage, which is really common. This seems to be a change of usage issue and it seems to be a Planning issue. Now at the Land Use Committee there was a discussion and a ruling, or at least an illusion to a ruling by the City Attorney, that it was proper for the Board of



Supervisors to by-pass the planning process and the Board to be able to put through legislation that would prohibit this type of conversion.

2. Would like to hear or get something in writing regarding this issue.

**Susan Cleveland-Knowles – Deputy City Attorney's**

**Office responded:**

1. Will report to the Commission next week (August 4, 2005)

**Commissioner Olague:**

- In a lot of the issue brought here, we hear frequently that the more housing that's built will bring the cost of housing down in the City. Are there any studies available that give credit to that theory?

**Dean Macris – Director of Planning responded:**

- We'll be glad to look into it.

**Commissioner W. Lee:**

1. Regarding following Commissioner Antonini's comments about the conversion of the Fairmont Hotel, I sit on the Convention Visitors Bureau and represent the City. There was accurate information by Supervisor Peskin's office where he estimated that about 61,300 jobs are associated with hotel rooms. We have about 32, 000 hotel rooms, but the data is not totally relevant because only about 25 percent of our work force is tied to the hotel industry.
2. An email was sent to Supervisor Peskin yesterday by the Convention and Visitor's Bureau to clarify that it is not two workers per hotel room but a lot less than that.

**C. DIRECTOR'S REPORT**

9. Director's Announcements

1. **Re. Work Program scheduling will have to be moved to a September date**

1. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS – None**

**BOA**

1. Rincon Hill General Plan was adopted on its first reading.
2. Board is still discussing the fees that are going to be applied.
3. 899 North Point – The categorically exemption that was continued at the request of both project sponsors is why you are not hearing it today.
4. Land Use Committee yesterday held a discussion on the proposed ordinance prohibiting conversion of hotels.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of



interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Jim Salinas**

*Re: Army Armory in the Mission District*

## E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

### ITEM #11 HEARD OUT OF ORDER. FOLLOWED ITEM # 12:

11. 2004.0533C (J. PURVIS:  
(415) 558-6354)

737 TEHAMA STREET - south side between 8<sup>th</sup> and 9<sup>th</sup> Streets; Lot 065 in Assessor's Block 3729 - **Request for Conditional Use** Authorization under Planning Code Section 803.5(b) to demolish a one-story, single-family dwelling and construct a four-story-over-garage, three-family dwelling. The site is within the SLR (Service/Light Industrial/Residential) Mixed-Use District, a 50-X Height and Bulk District, and is within the Mixed-Use/Housing Zone under Planning Commission Resolution No. 16202, where maximum housing is encouraged.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 7, 2005)

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee  
NAYES: Olague  
ABSENT: Alexander  
MOTION: 17068

12. 2005.0579C (M. SNYDER:  
(415) 575-6891)

1119 MISSION STREET - currently occupied by PAWS, south side between 7<sup>th</sup> Street and 8<sup>th</sup> Street, Lot 130 in Assessor's Block 3727 - **Request for Conditional Use** authorization to allow a change of use to "Institutions, Other - Assembly and Social Service" under Planning Code Sections 816.21 and 890.50(a) The subject property is within an SLR (Service/Light Industrial/Residential) District, and a 65-X Height and Bulk District. The proposal is to make tenant improvements to the existing 5,000 square foot, two-story structure so that it could be used for Asian Pacific Islander Legal Outreach, a non-profit organization that provides community outreach services.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander

MOTION: 17067

**F. REGULAR CALENDAR**13a. 2005.0106BCK  
(415) 558-6367)

(K. MCGEE:

185 BERRY STREET - south side between 3<sup>rd</sup> and 4<sup>th</sup> Streets; Lot 005 in Assessor's Block 3803 (a.k.a. "China Basin Landing") - **Request for Conditional Use** Authorization under Planning Code Section 227(m) and 304 to construct a fourth and fifth floor vertical addition of approximately 45 feet as a Planned Unit Development including an exception from off-street parking requirements of Section 151. The two floors would accommodate 49,000 square feet for office space and 101,982 square feet for Research and Development space, intended for bioscience use. The site is within an M-2 (Heavy Industrial) Zoning District, and a 90-X Height and Bulk District and is within the Housing/Mixed Use policy area under Planning Commission Resolution No. 16727.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:****Jim Ruben – Representing Project Sponsor**

1. We have been working with the sponsor for a number a years regarding these buildings.
2. As you by now are aware, the proposal was to modify a two-story addition to the existing three-story Berry Street Building. The goal was to accommodate the rapidly developing science industry.
3. With the increasing demand and excitement developed by the Stem Cell Research Center across the street, we are confident this is the right project at the right time.

**Paul Wolfer – Project Architect**

- Gave an overall description of the project

**Jeffrey Leibovitz – Rincon Point South Beach Advisory Committee**

1. Commended the developer/project sponsor for agreeing to move the imposing gates on Third and Fourth Streets. And also agreeing that if for security reasons they find the necessity to put the gates back up, they agree to notify the neighborhoods at least 3 – 12 months in advance so we [the neighborhoods] can be involved.

**Corrine Woods**

1. Extremely concerned about the parking exemption this Project Sponsor wants.
2. Suggested that the Project Sponsor be required to periodically survey China Basin Landing tenants to update the demand analysis contained in the Wilbur Smith China Basin Landing Parking Study and provide the community with studies reflecting current conditions.
3. Another issue is environmental health and safety.

**Greg Cosko**

1. This is a great commercial building opportunity for the City of San Francisco.

**Jim Salinas**

1. This project would impact the City in a very positive way.

**ACTION:**

Approved with modified amendments:

19. According to Planning Code Section 313.3(a) where an environmental evaluation application for the development project is filed on or after January 1, 1999, the required fees shall apply. The environmental application for the subject property was filed on April 20, 1998, and the EIR was certified on Feb. 17, 2000. The project is grandfathered under Section 313.3(a) and S.F. Administrative Code Section 38.3(E)(5), and the Project Sponsor is not required to pay the Jobs-Housing Linkage fee or the Transit Impact fee.

However, the Project Sponsor shall make a voluntary contribution of a portion of the fees that would otherwise apply if the project was not exempt.

According to the standards for a new project, the required fee would be:

**Transit Impact**

\$500,290

49,000 square feet of office space X \$10.21 =

101,982 square feet of R &amp; D space X \$10.21 =

\$1,041,236.20

**Total amount for a new project = \$1,541,526.20****Proposed amount = \$652,568****Jobs-Housing Linkage Fee**

\$733,040

49,000 square feet of office space X \$14.96 =

101,982 square feet of R &amp; D space X \$9.97 =

\$1,016,760.50

**Total amount for a new project = \$1,749,800.50****Proposed amount = \$874,900.25****Total proposed amount = \$1,527,468.20**

The Project Sponsor shall remove the existing gates at each end of the wharf prior to issuance of a building permit for the subject property. In the event that the gates must be installed for security purposes, the Project Sponsor shall give notice of the request to all owners and neighborhood organizations within a 300-foot radius of the subject property, and the proposal must be approved by the Zoning Administrator by a letter of determination.

**AYES:**

Sue Lee, Antonini, Bradford-Bell, Hughes, Olague, W.

Lee

**ABSENT:**

Alexander

**MOTION:**

17069

13b. 2005.0106BC  
(415) 558-6367)

(K. MCGEE:

185 BERRY STREET - south side between 3<sup>rd</sup> and 4<sup>th</sup> Streets; Lot 005 in Assessor's Block 3803 (a.k.a. "China Basin Landing") - **Approval** by the Planning Commission of up to 49,000 square feet of Office Space under the annual allocation of small cap office space, pursuant to Planning Code Section 321. The project also includes a proposal for 101,982 square feet of Research and Development space all located in a new fourth and fifth floor of the Berry Building and intended for bioscience use. The site is within an M-2 (Heavy Industrial) Zoning District, and a 90-X Height and Bulk District and is within the Housing/Mixed-Use policy area under Planning Commission Resolution No. 16727.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: See Item 13a

ACTION: Approved with modified amendments:

19. According to Planning Code Section 313.3(a) where an environmental evaluation application for the development project is filed on or after January 1, 1999, the required fees shall apply. The environmental application for the subject property was filed on April 20, 1998, and the EIR was certified on Feb. 17, 2000. The project is grandfathered under Section 313.3(a) and S.F. Administrative Code Section 38.3(E)(5), and the Project Sponsor is not required to pay the Jobs-Housing Linkage fee or the Transit Impact fee.

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**Proposed amount = \$652,568**

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**Proposed amount = \$874,900.25**

**Total proposed amount = \$1,527,468.20**

The Project Sponsor shall remove the existing gates at each end of the wharf prior to issuance

of a building permit for the subject property. In the event that the gates must be installed for security purposes, the Project Sponsor shall give notice of the request to all owners and neighborhood organizations within a 300-foot radius of the subject property, and the proposal must be approved by the Zoning Administrator by a letter of determination.

AYES: Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander  
 MOTION: 17070

14. 2000.1164E (P. MALTZER:  
 (415) 558-5977)

**1880 MISSION STREET -Public Hearing to receive comments on the Draft Environmental Impact Report.** The project site on Assessor's Block 3547, on Lots 2A, 3, 4, and 29 is approximately 51,888 sf in size and contains two existing buildings containing warehouse use and printing plant with offices. The project site is located at 1880-1886 Mission Street at 15th Street (northwest corner) bordered by 14th Street to the north, Mission Street to the east, 15th Street to the south and Julian Street to the west, within the Mission District neighborhood. The project site is located in a Heavy Commercial (C-M) zoning district, within a 65-B/50-X Height and Bulk district, as well as the Mission District Interim Controls district. The proposal is to demolish the two existing buildings and construct one seven-story plus basement building containing 194 dwelling units, including 39 affordable units, and 8,536 square feet (sf) of retail space. The basement and ground floor levels would contain 181 parking spaces with ingress and egress from 15th Street. The proposed project would require conditional use authorization by the Planning Commission pursuant to San Francisco Planning Code Section 303.

**NOTE: The Draft Environmental Impact Report (EIR) was published on June 25, 2005. This Planning Commission hearing is to receive comments on the adequacy, accuracy, objectivity and completeness of information in the Draft EIR. Written comments on the Draft EIR will be accepted at the Planning Department until 5:00 p.m. on Monday, August 1, 2005.**

**SPEAKERS:**

**Brett Gladstone – Representing Project Sponsor**

1. Landmarks Board had no sentiments about keeping this building and had no problem with its demolition.

**Toby Levine**

1. She sees absolutely no reason to not approve it and go forward.

**Jose Moreno**

1. Strongly urged the Commission to certify the findings of the Draft Environmental Impact Report.

**Roberta Gabino**

1. Supports the project



**My Do**

- Supports the project

**Oscar Grande - MAC**

1. . One of the other areas that we feel should be addressed is land use—specifically, the character of the vicinity.

**Chris Selig - MAC**

1. Talked about the historical significance of the building. Not in the sense that was already referred to. Nor in the façade or the architectural design. But in terms of the actually use.
2. There is very limited number of large floor palate units in San Francisco right along the Mission left. And there is the kind of industry that needs this kind of space in order to function. And we continue to demolish these spaces for primarily market rate housing. It doesn't do anybody any good. It doesn't provide living space for people with working class jobs.

**William Smith**

1. Preserving this building will not preserve jobs. The jobs are already gone.

**Frank Martin del Campo**

1. Spoke in favor of this project

**Phillip Lesser**

1. This is going to be a transformational project for the Mission District.

**Ruben Santana**

1. Is in favor of this project

**Azalea Mero**

1. Supports this project

ACTION: Meeting held. No Action

15. 2003.0347E  
(415) 558-5966)

(R. AHMADI:

**MARKET & OCTAVIA NEIGHBORHOOD PLAN - Public Hearing on Draft Environmental Impact Report:** The project area is located in the central city neighborhoods along Market Street from about 9<sup>th</sup> Street to the east to Noe Street to the west, north along the former Central Freeway alignment at Turk Street, and south along Howard and Sixteenth Streets. The project site encompasses about 85 city blocks. The proposed neighborhood plan would reclassify the existing zoning from Residential (R), Neighborhood Commercial Districts (NCD's), Heavy Commercial (C-M), and Downtown General Commercial (C-3-G) Districts to Residential Transit Oriented (RTO), Neighborhood Commercial Transit (NCT), and Downtown Residential (DTR) Districts. It would also increase height limits in certain areas and reduce the existing height limits in other areas. The proposed zoning and height reclassifications would increase the potential for residential



development in the area.

Note: Written comments will be received at the Planning Department until 5:00 p.m. on August 9th, 2005.

Preliminary Recommendation: No action required.

**SPEAKERS:**

**James Haas – Civic Pride**

1. Concerned about parking issues

**Christopher Pederson**

1. Supports the project

**Bonnie Jones**

1. Concerned about the removal of 100 off-street parking spaces near Civic Center in order to build housing.

**Paul Olsen**

1. Strongly supports the plan and urged the Commission to support the transportation improvement within the plan.

**Pamela Duffy**

1. The Market Octavia Plan showed different height limits than those shown in the draft EIR.

**Kate White**

- Asked the Commission to certify the EIR.

**ACTION:** Meeting held. No Action

**6:00 P.M. 6:15 P.M.**

**G. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

16. 2001.0062E (T. CHAN:  
(415) 558-5990)  
491 BAYSHORE BOULEVARD - HOME DEPOT - Certification of a Final Environmental Impact Report - Subsequent to the publication of the Draft EIR the project sponsor identified a new preferred project. The revised project re-orientes the location of the parking garage and the store itself, so that the parking garage is located on the southern end of the project site and the store is located on the northern end of the project site, but the effects would be similar to those analyzed for the original project in the Draft EIR. The home improvement center would be approximately 153,089 square feet, the same size as the original

project. The store would include approximately 95,600 square feet of retail on the main floor, approximately 37,700 square feet of retail on the second floor, approximately 9,900 square feet of enclosed greenhouse space, and approximately 9,900 square feet of open garden center space. The separate parking garage would consist of two levels plus rooftop parking, totaling approximately 247,800 square feet and would include 555 parking spaces.

The proposed project consists of demolition of two vacant buildings, totaling 107,346 square feet on this 5.73-acre site. The proposed buildings would be approximately 40 feet in height. Vehicular access to the parking garage would be from Bayshore Boulevard with secondary access on Loomis Street. The project is located within the Bayview Hunters Point neighborhood. The proposed project would not require a conditional use authorization, however a staff-initiated discretionary review is before the Planning Commission. The site is within the adopted Industrial Protection Zone (IPZ) Special Use District and is located in a M-1 (Light Industrial) zoning district and within a 65-J height and bulk district.

Preliminary Recommendation: Certify the Final Environmental Impact Report.

**NOTE: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, July 11, 2005.**

**SPEAKERS:**

**Steve St. Denny**

1. Urged the Commission to certify the EIR.

**Eric Terreri**

1. Supports the EIR certification.

**Royce Schumacher**

1. Supports EIR

**Amy Trachtenberg**

1. Concerned about the traffic and air pollution.

**Eugene Marek**

1. Concerned about the traffic.

**Jay Ach**

1. Deeply concerned about the traffic impact of this proposed development. It will adversely impact our community and these impacts have not been adequately addressed in the final EIR.

**Ron Morgan**

1. Concerned about traffic.

**Steven Cornell**

1. Concerned about the impact this large business would have on the whole entire neighborhood.

**Barbara Paley**

1. Opposed to this project coming to the foot of Bernal Heights Neighborhoods.
2. Asked the Commission to conduct more studies on this project.

**Shannon Dash**

1. Referred to the EIR's unsatisfactory response to comment #91 regarding the parking garage.
2. The store is too big for this size garage.
3. Traffic will overflow out onto the neighborhood streets.

**Mike Larson**

- Concerned about air pollution.

**Nic Griffin**

1. EIR does not address the concern that more traffic would be created by the probable closure of neighborhood home-supply stores due to Home Depot competition.

**Rick Gerharter**

- Concerned about the increase in traffic congestion.
- Urged the Commission to reject the EIR.

**Thompson Chambers**

1. Concerned about parking.

**Elizabeth Stephens**

1. It is very obvious to anyone who lives in Bernal Heights that this would cause a huge traffic congestion.

**Susan Hershey**

1. Concerned about traffic

**Vicki Legion**

1. Concerned about the health consequences and asked the Commission to uphold the EIR.

**Gina Solomon**

1. Urged the Commission not to certify the EIR.

**Deborah Levy**

1. Responses to our comments are unsatisfactory and specifically to the responses to comments regarding commercial growth and land use on Bayshore Blvd.

**Lynne Eggers**

1. Concerned about traffic.

**Sophia Green**

- This project would clearly increase the automobile traffic within the City. Therefore, based on its stated policy, this project at this site should be shut down.

**Mike Boss**

1. Concerned about the EIR's unsatisfactory responses to comment 48, which addressed the morning commute hours and has not been analyzed in the traffic study.

**Rosanne Liggett**

- EIR should be rejected on a number of issues, including the off-ramp freeway congestion.

1. Concerned about air pollution.

**Larry Lowenthil**

- Concerned about the economic impact on small businesses in the area.

**Patricia Flores-Lacson**

- Opposed to this project because our quality of life would decrease because of the increase in traffic.

**Laurel Muniz**

- Concerned about traffic.

**Charlie Walker**

- Asked the Commission to take into consideration that this area of the City needs some type of economic growth. 40% of our people in the community are unemployed.
- Certify the EIR.

**Barbara Kyle**

- Concerned about the EIR's response to #41, which did not adequately answer concerns about trip generation statistics.

**Kevin Sheppard**

- Concerned about traffic

**Jerry Path**

- Opposed to this project

**Karen Garrison**

- Concerned about traffic.

**Ken Lai**

- Concerned about traffic and pollution.

**Amy Kyle**

- Concerned about the adequacy of the EIR with regard to assessment and mitigation of air quality impacts.

**Julie Walcer**

- Against the certification of the EIR.
- Concerned about air quality and traffic congestion.

**Bill Nieto****Joseph Smooke**

- Urged the Commission not to pass the EIR.

**Dave Karp**

- Concerned about traffic

**Bob Heacock**

- Urged the Commission to certify this EIR because Home Depot has made very significant changes from the plans brought to you in 1983.
- With respects to air pollution in San Francisco: as we all know, the wind blows from the west to the east. All that pollution would not be affecting, settling or blowing over Bernal Heights. It will be going to the east.

**John Blackburn**

- Strongly urged the Commission to certify the EIR.

**Gretchen Mokry**

- The EIR has not adequately portrayed the new traffic load.
- It minimizes the impact of traffic on Cortland and Bayshore and the danger of all this additional traffic on pedestrians.

**Steven Neuberger**

- Opposed to the EIR.

**Bruce Livingston**

- Concerned about the pedestrian safety implications.

**Anna Shimko**

- In favor of the EIR.

**Chris Witteman**

- Concerned about traffic.

**Jeff Hauffman**

- Asked the Commission to reject the EIR.

**Dave Karp**

- Opposed to the certification of the EIR.

**Kevin Kitchingham**

- Urged the Commission not to certify the EIR

**Liz Garcia**

- Opposed to the EIR

**Unclear Name**

- Urged that the EIR be rejected.

**Will Doherty**

- Concerned about traffic and pedestrian safety.

**Michael Hammond**

- In favor of the EIR.

**Jose Morales**

- Traffic is going to be an enormous nightmare.

**Mark (unclear last name)**

- Concerned about parking.

**Mark Jeffries**

- Opposes the EIR.

**Wendy Collins**

- Concerned about traffic and air pollution

**Steven Aiello**

- Urged the Commission to certify the EIR.

**Charles Katz**

- Supports the EIR.

**Johnnie Sacko**

- Supports the EIR.

**Jackie (unclear last name)**

- Supports the EIR

**Linda Richardson**

- Supports the EIR.

**Elizabeth Setrum**

- This project will change the quality and nature of this neighborhood.

**Al Norman**

- Supports the EIR.

**McKinney Ross**

- Supports the EIR.

**Elouise (unclear last name)**

- Supports EIR.

**Unclear Nme**

1. Supports EIR

**Rev. Egard Boyd**

1. Urged the Commission to certify this EIR
2. Home Depot will provide a lot of jobs for the community.

**Rev. Arnold Thompson**

1. The EIR is an adequate document.
2. He is really hopeful that when Home Depot goes in some of the other blighted things on Bayshore will take life as well and provide even more jobs.

**Marcelo (unclear last name)**

1. Supports the EIR.

**Dorothy Brown**

1. Supports the EIR.
2. This project will be helpful in creating jobs for all the young people in the neighborhood. It will also cut down on some of the crime in the neighborhood.
3. Does not see any problems with the traffic.

**Sonia Richardson**

1. Supports the EIR
2. It is time that this blighted site be brought to life.

**Francisco DeCosta**

1. Supports the EIR.

**Unclear Name**

1. Supports the EIR and project.

**Eric Arguello**

1. Supports certifying the EIR.

**John Howard**

1. Supports Home Depot and the EIR.

**Doris Benson**



1. We need Home Depot. I support this EIR.

**Andrea Elzien**

1. Urged the Commission to certify the EIR.

**Unclear Name**

1. We live here. We want this. Urged the Commission to certify the EIR.

**Allan Jones**

1. This is in our neighborhood. Please certify the EIR.

**Debina Paterson**

1. Spoke in support of the EIR.

**Mustafa Abib**

1. Asked Commission to move forward on the EIR.

**Edith Lulie**

1. Urged the Commission to pass the EIR.

**Jerome Martin**

1. Strongly supports the EIR.

**Sonia Melara**

1. Asked the Commission to support the neighborhood and certify the EIR.

**Ann Berry**

1. Certify the EIR.

**Joe Bacorro**

1. Stop wasting time and certify the EIR.

**Clarence Cummings**

1. If this is the next step in getting Home Depot in our neighborhood, then let's take it. Certify the EIR.

**Michael Phillips**

1. Spoke in support of certifying the EIR.

**Glenn Marks**

1. The EIR is inadequate as written.
2. Concerned about traffic.

**Judy Zito**

1. Asked the Commission to certify the EIR.

**Unclear Name**

1. Supports the EIR.

**Charles Cleary**

1. Supports certification of the EIR.

**Dwyane Yazino**

1. Urged the Commission to certify the EIR.

**Charles Kelly**

1. There are some environmental impact issues that have not been resolved.
2. This document is not ready to be certified.

**Michael Miller Quintana**

1. Supports certifying the EIR.

<b>ACTION:</b>	Environmental Impact Report Certified
<b>AYES:</b>	Antonini, Bradford-Bell, Olague, W. Lee
<b>NAYES:</b>	Hughes and S. Lee
<b>ABSENT:</b>	Alexander
<b>MOTION:</b>	17071

17a. 2001.0062U  
(415) 575-6891)

(M. SNYDER:

491 BAYSHORE BOULEVARD - east side between Oakdale and Waterloo, Lots 8, 9, 11, 13, 15, 16, 18, 21, and 28 - **Appeal of initial determination** of the net floor area that would be subject to the Housing Requirement for Large-scale Development Projects (commonly referred to as the Jobs Linkage Housing Program) under Planning Code Section 313. Pursuant to Planning Code Section 313.4 (b), the Planning Department issued a notice indicating that up to 48,000 square feet of net floor area would be subject to the Jobs Linkage Housing Requirement. An appeal has been filed under Planning Code Section 313(c) challenging that determination. The property is within an M-1 (Light Industrial) District, The Industrial Protection Zone Special Use District, and a 65-J Height and Bulk District.

Preliminary Recommendation: Pending

**SPEAKERS:****Joseph Smooke**

- **The Primary issue we have with this proposal is the role that Home Depot played in driving a wedge between two neighborhoods**

1. It seems that if they build a smaller store at this location it will certainly go a long way towards bringing our communities together; to actually provide a promise of jobs and mitigate the environmental impacts.
2. There is also a question about the jobs. First of all, the First Source Hiring agreement is not enforceable. There are no penalties if Home Depot does not comply. This is a very bad deal, especially considering the negative environmental impact.
3. The developers are acting in their own self-interest rather than in the interest of the community. Because if they were acting in the interest of the community, they would make a gesture to reduce the size of the store, which would reduce the environmental impact and provide quality jobs and an enforceable jobs agreement with the City.

**Anna Shemko – Cassidy, Shemko and Dobson**

1. This store on Bayshore Boulevard will bring much needed goods and services to City residents.
2. It will revitalize the Bayshore Commercial Corridor.
3. It will create hundreds of new jobs in the City and will employ at least 150 entry level employees from the Bayview Hunters Point neighborhood and surrounding areas.
4. It will help the City with sales tax, property tax, and payroll taxes.
5. We will pay the housing fee on the entire square footage of the Home Depot proposal.
6. This project complies with all the physical standards of the code.
7. We have held numerous meetings with organizations within the Bernal Heights Neighborhood.
8. Bernal Heights Neighborhood Center and the Cortland Avenue Merchants have refused our recent offers of further briefing or discussions.
9. There is absolutely no evidences that Home Depot will cause hardware stores in the City to suffer economic losses.
10. Three separate studies showing that San Francisco is losing home improvement sales to the tune of over \$300,000,000 a year leaves plenty of room for Home Depot and existing and future businesses to thrive.
11. Home Depot will generate at least \$400,000 dollars per year in sales tax revenue and \$100,000 dollars per year in payroll taxes.

**Frank Kota, Architect for the project**

1. Gave an overall review and description of the project's design.

**Steven Currie**

1. Spoke in favor of the project

**Valdez**

1. This project will help our communities. If we work together it will be valuable and meaningful for all residents and Home Depot.

**Mary Harris – President, District 11 Council**

1. Is in favor of this project.

**Unclear name**

1. Home Depot will not have a negative impact in our neighborhood when you consider that anything is better than what we got. It is not out of scale with the neighborhood, and property values will not go down.

**Michael Hammond**

1. We want the opportunity to pursue jobs and prosperity the same as they do in every other neighborhood.

**Chris Witterman**

1. Opposes the project.

**Mike Boss**

1. Against the size of the project.
2. This will be a huge store that impacts our neighborhood.
3. Urged the Commission to give serious consideration to the size of the project.

**Jeff Hauffman**

1. Opposes the project.

**Judy Berkowitz**

1. Spoke in favor of the project.

**Unclear Name (owner of the Old Clam House)**

1. This neighborhood needs this project, and we need to revitalize the neighborhood with it.

**Lauren Muniz**

1. Is in favor of the Home Depot project.

**Ron Morgan**

1. Inquired about the long term lease that Home Depot will get on this property.

**Bob Heacock**

1. Wants the Home Depot project.

**Unclear name**

1. Lets preserve our City to stand different from the rest of the country.

**Amy Gallo**

1. Lets find a way to address and mitigate as much as possible the environmental impacts and also to address the legitimate interests of the people of the Bayview for the economic development and jobs they are seeking.

**Unclear name**

1. This project should be denied.

**Doris (unclear last name)**

1. Urged the Commission to approve this project.

**Debra Levy**

1. Concerned about traffic issues.
2. The proposed project is too big.

**Steven Aiello**

1. Spoke in favor of the project.

**Michael Lions**

1. Opposes the project.

**Unclear name**

1. Spoke in opposition to the project.

**Richard Jones**

1. Is in favor of the project.

**Michael Murphy**

1. Is opposed to the project.

**Barbara Kyle**

1. This project would have a huge impact on Bernal Heights.

**Rosanne Ligget**

1. Lets find a way for there to be a compromise or half way point among the issues between Bernal Heights and Bayview.

**Sue Hestor**

1. This project is hostile from both a neighborhood sense and pedestrians. There are other projects coming through. This is going to be an anchor for big box heaven.
2. Home Depot does not belong in San Francisco no matter what jobs are being given initially to a community.

### Michael Miller Quintana

1. Spoke in favor of the Home Depot project.

### Calvin Jones

- Is in favor of this project.

ACTION: Approved  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague, W. Lee  
 NAYES: Hughes  
 ABSENT: Alexander  
 MOTION: 17072

17b. 2001.0062EDD  
 (415) 575-6891)

(M. SNYDER:

491 BAYSHORE BOULEVARD - east side between Oakdale and Waterloo, Lots 8, 9, 11, 13, 15, 16, 18, 21, and 28 - **Staff initiated and Requested Discretionary Review** of Building Permit Application No. 2001.04.09.6352 and Demolition Permit Nos. 2001.05.08.8645, 2001.05.08.8650, 2001.05.08.8655, 2001.05.08.8660, 2001.05.08.8663, to demolish existing retail and accessory structures equaling approximately 107,372 gross square feet and to construct a new building that would contain up to 155,500 square feet of retail use (inclusive of vestibules and other interior circulation) and up to 550 parking spaces for Home Depot. The building would be approximately 40-feet tall. The property is within an M-1 (Light Industrial) District, the Industrial Protection Zone Special Use District, and a 65-J Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project as modified, and with conditions.

SPEAKERS: Same as those listed in item 17a.

ACTION: Took Discretionary Review and approved as modified with the following conditions:

1. The Project square footage shall be reduced in size to be no greater than 140,000 gross square feet, to correspond with "Alternative E", as identified and discussed in the Draft EIR document with "Access Alternative F" as identified and discussed the "Response to Comments" document. The project sponsor shall be permitted to provide up to 585 parking spaces.
2. The Planning Commission has determined that the Project Sponsor is responsible to contributing to the Jobs Linkage Housing Program under Planning Code Section 313 based on the gross square footage of the proposed new floor only; gross square footage of the existing retail structures shall not be subtracted to arrive the gross square footage that would be subject to the provisions of



Planning Code Section 313. For the proposed project, it is estimated that approximately 140,000 gross square feet shall be subject to the Jobs Linkage Housing Fee (an equivalent in-lieu fee of approximately \$1,953,000 (Planning Code Section 313.6)) This amount may change slightly, depending on the final square footage of the new structure.

3. The minimum one-hundred (100) positions that the project sponsor has committed to providing residents of the Bayview Hunters Point area through its First Source Hiring Agreement with the City shall be permanent year-round positions.
4. Home Depot shall make a good faith effort to work with the City to accommodate a day laborer program in the City of San Francisco.
5. The project sponsor shall submit a report to the Planning Director on the traffic conditions of the site eighteen months after opening, which shall be made available to the public and the Planning Commission. At the Commission's discretion, an informational hearing may be held.
6. The design of the project shall include a pedestrian entry at the Garden Center and the Project Sponsor shall work with the Planning Department in accommodating another pedestrian entry along Bayshore Boulevard, if feasible.

AYES:	Antonini, Bradford-Bell, Olague, W. Lee
NAYES:	Hughes and S. Lee
ABSENT:	Alexander

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:**

**Sue Hestor**

- Suggested that the Commission propose a rule to adjourn meetings by midnight at the latest. This has been an abuse to the public.

**Linda**

**Richardson**

- Commended the Commission for the good job they did tonight.

**Michael**

(unclear  
last  
name)

- Commended the Commission for the great job they did a community.

Adjournment:

**2:21  
A.M.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, MARCH 9, 2006.**

**SPEAKERS:** Sue Hestor

**ACTION:** Approved

**AYES:** S. Lee, Antonini, Bradford-Bell, Olague, W. Lee

**ABSENT:** Alexander, Hughes



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City and County of San Francisco  
**Planning Department**

August 4, 2005

# SAN FRANCISCO PLANNING COMMISSION

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## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

**Thursday, August 4, 2005**

**1:30 PM**

**Regular Meeting**

COMMISSIONERS PRESENT: S. Lee; Alexander Hughes, W. Lee, Olague

COMMISSIONERS ABSENT: Antonini and Bradford-Bell

THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:45 P.M.

STAFF IN ATTENDANCE: Larry Badiner – Zoning Administrator; Jim Miller; Daniel Sirois; Jonathan Purvis; Carol Roos; Mathew Snyder; Dan Sider; Linda Avery = Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

#### **SPEAKERS:**

**Sue Hestor**

- Requested a continuance for 3350 20<sup>th</sup> Street to September 22, 2005.

**Michael Ferrera**

- Requested a continuance for 1102 Taraval Street.

**Marilyn Amini**

1. Requested that Better Neighborhoods be continue because a page was missing on the finalized calendar.
2. Board of Supervisors voted to continue this matter an additional 34 days pass the suggested or proposed 8/12 date.
3. Inquired about a letter that the Planning Commission Secretary was going to draft regarding a request for an extension to the Board of Supervisors.

## **B. COMMISSIONERS' QUESTIONS AND MATTERS**

1. Commission Comments/Questions

### **Commissioner W. Lee**

Re: Moratorium in the Mission District

- Would like to schedule a meeting in the Mission late on the fall, to get public testimony.

#### **Amit Ghosh responded:**

- This has already been contemplated. Several meetings have been scheduled.

#### **Commissioner W. Lee**

1. Requested a report on the First Source Hiring process with Home Depot regarding Supervisor Sophie Maxwell's ordinance.

#### **Larry Badiner – Zoning Administrator responded:**

1. Supervisor Maxwell asked about implementation of the amendments to the First Source Hearing Program and not specifically about Home Depot.
2. There has been a report prepared. We will keep the Commission informed.

### **Commissioner Hughes**

1. Had a question for Deputy City Attorney Kate Stacey. It is a process question that has been raised regarding sections 304 and the timing of the 90 days period.
2. How is 'received by the Commission' interpreted? Does it means: Received by the Commission Secretary, Received by the seated Commission during a calendared meeting, or whatever? What is the definition of or the interpretation of that language by your office?

#### **Kathe Stacey – Deputy City Attorney responded:**

1. Normally it is the Zoning Administrator who makes interpretation of the Planning Code.

#### **Commisioner Hughes:**

1. If that is the case then the Zoning Administrator is the one who makes that call. Could you please give us a clarification about that language?

#### **Larry Badiner – Zoning Administrator responded:**

1. His recollection is 90 days from the Department's receipt.

**Commissioner S. Lee**

1. How timely are we in responding to legislation initiated by the Board of Supervisors?
2. We get a copy of the legislation in our correspondence but we don't actually get an analysis or review by staff until much later,
3. Is there a more efficient way of providing us an analysis?

**C. DIRECTOR'S REPORT****2. Director's Announcements**

1. Director Macris is out of the office for a week.

**3. Review of Past Week's Events at the Board of Supervisors and Board of Appeals****BOS**

1. Board of Supervisors granted an extension to the Better Neighborhoods as Director Macris requested per the Commission's request to September 15, 2005.
2. At the Land Use Committee there were three items of importance to this Commission:
3. Executive Park – Commission recommended general plan amendments, approved unanimously. Supervisor Maxwell wants design or concerned resoloves before they move along and work with the project sponsor. She would also like the First Source issues to be resolved prior to it. The item was continued to August 10, 2005. Requested a presentation on the impact on all pipeline projects in the area.
4. Tourist Hotel Conversion -- Supervisor Peskin introduced this. There was an amendment to the Administrative Code adopting an 18 months moratorium
5. 1110 Taylor Street – Landmarking. There was no controversy. It was approved by the Land Use Committee and forward to the full Board.

**Amit Ghosh**

1. Gave a report on the Board's approval of the Rincon Hill Plan at its first reading.

**Susan Cleveland – Deputy City Attorney**

- Reported on the approval to the amendments to the fee packages

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:****John Nulty**



1. Procedures to follow when approving a Liquor License.

#### E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

4. 2005.0433C (J. MILLER:  
(415) 558-6344)

1339 POLK STREET (A.K.A. 1331 POLK STREET) - west side between Austin and Pine Streets, Lot 002 in Assessor's Block 0667 - **Request for Conditional Use authorization** for a massage establishment (Planning Code Section 723.54) as a principal retail use, dba "Traditional Massage Therapy". The massage business would occupy a vacant ground floor commercial space, and no expansion of that existing space or building is proposed. The site is in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.  
Preliminary Recommendation: Approval with conditions

#### SPEAKERS:

**Sunny Sangkasup, Project Sponsor**

- Just wants her permit to be approved.

**Ken Raley**

1. Opposed to any granting of these conditional use permits for anymore massage establishments in our neighborhood.

ACTION: Approved  
AYES: S. Lee, Hughes, W. Lee, Olague  
ABSENT: Alexander, Antonini, and Bradford-Bell  
MOTION: 17073

#### F. REGULAR CALENDAR

5. 2005.0459T (D. SIDER:  
(415) 558-6697)

**PLANNING CODE SECTION 260 AMENDMENTS - Consideration of an Ordinance amending San Francisco Planning Code by amending section 260 to increase the height exemption for elevator penthouses from 10 to 16 feet**, to allow the Zoning Administrator to grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval with Modifications

(Continued from Regular Meeting of July 28, 2005)

**NOTE: On June 16, 2005, following public testimony, the Commission closed the public hearing, and continued the matter to June 23, 2005 by vote +6 -0. Commissioner William Lee was absent. Public hearing remains open for any new information.**



**SPEAKERS:**  
**Zack Stewart**

1. Urged the Commission to keep the limit at 40 feet.

**Nann Roth**

1. Does not oppose providing handicap roof top access, when rooftop access is required.

**Stan Teng**

1. Does not think this is an issue about height limits versus accessibility. We all want accessibility and should comply with the code.

**Edward Evans**  
**No name stated**

1. In support for the legislation

**Bob Planthold**

1. .

**Leslie Blake**  
- Asked the Commission to pass the legislation.  
**Judith Duffy**

1. .

**Joan Woods**

1. Requested that the height limits be left in place and not give in to pressure by the developers.

**Gerry Crowley**

1. We should be looking to perhaps reduce the height of the building to below 40 feet.
2. Perhaps we should explore other means of providing disability access at levels below the roof.

**Brad Willmore**

1. .
2. Right now rooftop exceptions in the code are out of control, we have exceptions for mechanical, skylights, windbreaks, all kind of things.
3. The most preferred location for open space should be immediately adjacent to the unit or on the ground floor.
4. Allowing this legislation only ensure that the most preferred location will be routinely ignored by developers.
5. Save San Francisco for one more opportunity for bad design.

**Peter Winkelstein**

- I cannot believe any developer will build a 16-foot elevator shaft when he can build a 10-foot elevator shaft.

1. The concerns are misplaced because it simply won't happen in the 40-foot height districts of the City.

### **Gary Yacko, Elevator Engineer**

1. Responded to some technical questions regarding this legislation.

### **Ellen Chan**

- The size of the elevator is related to the size and the building itself.

1. If we talk about a bigger building then you can put some in setback requirements for the 16-foot elevator shaft. That would eliminate a lot of our concerns.

### **Gary Gee**

1. Supports the legislation.

### **Joe Cassidy**

1. Supports legislation

### **Alice Barkeley**

- This legislation addresses the kind of open space requirement that meets the needs of everyone.

1. Urged the Commission to pass this legislation.

### **Sue Hestor**

- If this legislation passes, you should say that the elevator should pull back from the back to reduce the profile against the people that live on the other side that have light-well.

### **Joe O'Donoghue**

- Supports the legislation.

### **Marilyn Amini**

1. We need open space in San Francisco, rather than building up to the max, which is what the developers are looking for.

ACTION:           Approved as amended:

1. The proposed amendments to Planning Code Section 260(b)(1)(B) be amended such that a new sentence is added at the end of the Section which would read "The placement and/or architectural treatment of any elevator penthouse in a residential district which would be exempted from height limits under this Section shall be reviewed for compliance with the Residential Design Guidelines and any other related policies or design guidelines adopted by the Planning Commission."
2. **Neighborhood Notification.** The proposed amendments to Planning Code Section 260(b)(1)(B) be amended such that a new sentence is added at the end of the Section, immediately following the sentence in Number 1, above, which would read "In districts where the height limit is 65 feet or less and in areas

where neighborhood notification is required under Planning Code Sections 311 or 312, proposed elevator penthouses which exceed the applicable height limit by more than 10 feet shall be subject to the notification requirements of Section 311 or 312, as appropriate."

3. **Penthouse Footprint Moderation.** The proposed amendments to Planning Code Section 260(b)(1)(B) be amended such that immediately following the sentence which reads "However, for elevator penthouses, the exemption shall be limited to the top 16 feet regardless of the height limit of the building," a new passage should be added which would read "and shall be limited to the footprint of the elevator shaft." This amendment was offered by the office of Supervisor Alioto-Pier in the interest of minimizing any potential adverse affect of an elevator penthouse on neighboring properties.

AYES: S. Lee, Alexander, W. Lee, Olague  
 NAYES: Hughes  
 ABSENT: Antonini and Bradford-Bell  
 MOTION: 17074

- 6a. 2005.0626D (J. PURVIS:  
 (415) 558-6354)

3350 20<sup>TH</sup> STREET - northwest corner of 20th and Shotwell Streets; Lot 015 in Assessor's Block 3594 - **Request for Discretionary Review** of Demolition Permit Application No. 2004.11.19.9724 to demolish a one-story Quonset hut used as a artist's live-work studio, and replace it with a mixed-use building with six dwelling units over garage and commercial space in an NC-2 (Small-Scale Neighborhood Commercial) Use District and a 50-X Height and Bulk District.

Preliminary Recommendation: Do Not Take DR and Approve the Demolition.

(Continued from Regular Meeting of July 28, 2005)

SPEAKERS: None  
 ACTION: Without hearing, continued to September 22, 2005.  
 AYES: S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Alexander, Antonini and Bradford-Bell

- 6b. 2004.1022D (J. PURVIS:  
 (415) 558-6354)

3350 20<sup>TH</sup> STREET - northwest corner of 20th and Shotwell Streets; Lot 015 in Assessor's Block 3594 - **Request for Discretionary Review** of Building Permit Application No. 2004.11.19.9736 to build a five-story building with six dwelling units over garage and commercial space following demolition of a commercial live/work studio in an NC-2 (Small-Scale Neighborhood Commercial) Use District and a 50-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve the New Construction.

(Continued from Regular Meeting of July 28, 2005)

SPEAKERS: None  
 ACTION: Without hearing, continued to September 22, 2005.  
 AYES: S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Alexander, Antonini and Bradford-Bell

7. 2004.0136D (E. TOPE:  
 (415) 558-6316)

1725 LAKE STREET - south side between 18th and 19th Avenues; Lot 035 in Assessor's Block 1378 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.26.3995, proposing to construct a third story and a mezzanine (partial fourth story within a sloped roof) addition to an existing two-story single-family house in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**DISCRETIONARY REVIEW WITHDRAWN**

8a. 2005.0071D (T.  
WANG: (415) 558-6335)

179 SADOWA STREET - south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application Nos. 2003.12.29.3124, 2003.12.29.3125 and 2003.12.29.3124 proposing to demolish a single-family dwelling, an independent garage structure and a greenhouse in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permits.

SPEAKERS: None

ACTION: Without hearing, continued to September 8, 2005.

AYES: S. Lee, Hughes, W. Lee, Olague

ABSENT: Alexander, Antonini and Bradford-Bell

8b. 2005.0072D (T. WANG:  
(415) 558-6335)

179 SADOWA STREET- south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of the replacement structures in association with residential demolition, of Building Permit Application No. 2003.12.29.3123, proposing to subdivide the lot into two lots and construct a two-story, single-family dwelling on one of the two lots in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKERS: None

ACTION: Without hearing, continued to September 8, 2005.

AYES: S. Lee, Hughes, W. Lee, Olague

ABSENT: Alexander, Antonini and Bradford-Bell

8c. 2005.0073D  
(T.WANG: (415) 558-6335)

183 SADOWA STREET - south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of the replacement structures in association with residential demolition, of Building Permit Application No. 2003.12.29.3131 proposing to subdivide the lot into two lots and construct a two-story, single-family dwelling on one of the two lots in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKERS: None  
 ACTION: Without hearing, continued to September 8, 2005.  
 AYES: S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Alexander, Antonini and Bradford-Bell

**G. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**None**

9. 2003.0029E (C. ROOS:  
 (415) 558-5981)

ONE RINCON HILL RESIDENTIAL DEVELOPMENT (425 FIRST STREET) - Certification of a Final Environmental Impact Report - The project proposes demolition of a building complex, consisting of a three-story office building, a clock tower, and a two-story parking garage, and construction of a 720-unit residential development as follows: a 450-ft.-tall, 45-story north tower with about 312 units; a 550-ft.-tall, 54-story south tower with 354 units; about 14 stacked townhouses, 45-ft.-tall fronting Harrison Street and First Street; lobbies, management office, fitness center; about 3, 220- gross square feet (gsf) of convenience retail; 720 parking spaces in two partial above grade and five partial basement levels, with attendants and mechanical lifts, accessible on First Street; four loading spaces accessible on Harrison Street; about 49,000- sq.-ft. of common and private open space; and an additional 19,000sq. ft. publicly accessible open space including a widened sidewalk and landscaping along Harrison Street and in the First Street public right-of-way. The project would total about 1,217,315 gsf, a net increase on the site of about 1,133,399 gsf. The site includes Lots 1, 9, and 15, in Assessor's Block 3765, on the block bounded by Harrison, First and Fremont Streets and the Bay Bridge West approach. Preliminary Recommendation: Certify the Final Environmental Impact Report.

**NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on April 19, 2005. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.**

(Continued from Regular Meeting of July 14, 2005)

SPEAKERS: None  
 ACTION: Environmental Impact Report Certified.  
 AYES: Alexander, S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Antonini and Bradford-Bell  
 MOTION: 17075

10. 2003.0029EX (C. ROOS:  
 (415) 558-5981)



**ONE RINCON HILL RESIDENTIAL DEVELOPMENT (425 FIRST STREET) - Motion to Adopt CEQA Findings.** The project proposes demolition of a building complex, consisting of a three-story office building, a clock tower, and a two-story parking garage, and construction of a 720-unit residential development as follows: a 450-ft.-tall, 45-story north tower with about 312 units; a 550-ft.-tall, 54-story south tower with 354 units; about 14 stacked townhouses, 45-ft.-tall fronting Harrison Street and First Street; lobbies, management office, fitness center; about 3, 220- gross square feet (gsf) of convenience retail; 720 parking spaces in two partial above grade and five partial basement levels, with attendants and mechanical lifts, accessible on First Street; four loading spaces accessible on Harrison Street; about 49,000- sq.-ft. of common and private open space; and an additional 19,000 sq. ft. publicly accessible open space including a widened sidewalk and landscaping along Harrison Street and in the First Street public right-of-way. The project would total about 1,217,315 gsf, a net increase on the site of about 1,133,399 gsf. The site includes Lots 1, 9, and 15, in Assessor's Block 3765, on the block bounded by Harrison, First and Fremont Streets and the Bay Bridge West approach. The Commission will consider a Motion to Adopt CEQA Findings the proposed project.

Preliminary Recommendation: Approve Draft Motion

(Continued from Regular Meeting of July 14, 2005)

**SPEAKERS:**

**Steve Vettel, Project Sponsor**

1. This project is 100 percent in compliance with the Rincon Hill Plan that was adopted by the Board of Supervisors two days ago.
2. We expressed our great appreciation for the staff for working so closely with us to make sure that this project developed in conformance with the plan.

**Gary Klompmaker, Architect for the project**

1. Gave a general overview and review of the project.

**Robert Pender**

1. Asked the Commission to provide them with a written document regarding all that is going on.

**Kate White**

1. Supports the project.

**Peter Winkelstein**

1. Very much in favor of this project.

**Unclear name**

1. It will provide jobs for a lot of people in the South of Market.

**Theodore Brown**

1. This is a very important development for Rincon Hill. It will add to the housing



stock that is very much needed in this City.

ACTION: CEQA findings adopted.  
 AYES: Alexander, S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Antonini and Bradford-Bell  
 MOTION: 17076

11. 2003.0029EX (M. SNYDER;  
 (415) 575-6891)

ONE RINCON HILL RESIDENTIAL PROJECT (425 FIRST STREET) - southeast corner of First Street and Harrison Street, currently occupied by the Bank of America Office Building and Clock Tower, Lot 1, 9, and 15 in Assessor's Block 3765 - **Request under (proposed) Planning Code Section 309.1 (Rincon Hill Downtown Residential District) for Determinations of Compliance**, and an exception to allow greater than one parking space for every two units, as well as to allow a portion of the parking garage above grade. The project is to demolish the existing office building, the Bank of America Office Building and Clock Tower, and construct a residential project that would consist of two towers reaching 550-feet and 450-feet (exclusive of mechanical penthouses) and townhouses that would align Harrison Street and First Street. The project would include approximately 709 dwelling units, 3,200 square feet of convenience retail, and 709 parking spaces (non-independently accessible). The subject property is located in the (proposed) Rincon Hill Downtown Residential District and a (proposed) 45/550-R and a (proposed) 45/450-R Height and Bulk District.  
 (Continued from Regular Meeting of July 14, 2005)

SPEAKERS: Same as those listed in item 10.  
 ACTION: Approved (Found to be in compliance)  
 AYES: Alexander, S. Lee, Hughes, W. Lee, Olague  
 ABSENT: Antonini and Bradford-Bell  
 MOTION: 17077

12. 2005.0569C (J. MILLER:  
 (415) 558-6344)

1337-39 GRANT AVENUE - west side between Green and Vallejo Streets, Lot 003 in Assessor's Block 0131 - **Request for Conditional Use authorization** for the addition of a Bar to an existing vacant Full-Service Restaurant, dba "Mojito," (Planning Code Section 722.41) to obtain an ABC license for on-sale liquor sales in an eating establishment (Type 47). No expansion of the existing space or building is proposed. The site was previously occupied by "La Bodega" and is in the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

SPEAKERS:  
 Carl Riccitelli

1. Asked the Commission to approve the project

**Robert Kowal, Applicant**

1. Our business analysis shows that we need to have a little cash flow from the sale

of our liquor in order to upgrade the property.

2. The North Beach Neighborhood supports our project.

**Alistair Monroe, Applicant**

1. Asked the Commission to approve the application.

**Stephano Cassolato,**

1. Hopes the Commission support this project in its entirety.

**Wayne Deerman**

1. Supports the project.

**Hugo Rivero**

- Supports the project.

**Bill Baker**

1. I never met a group of people that are more committed at what they do. And through it all they promote responsibility with the music and funds.

**Stacey DePolo**

- Wholeheartedly urged the Commission for their support

**Mo Kai**

1. It will be a great addition to the neighborhood. And what they plan to do will be a great attraction to tourists and local people as well.

**Bill Schwalb**

1. I feel confident that the applicants will run a fine establishment in North Beach.

**Megan Mulligan**

1. Supports the project.

**Peter Glikstern**

1. Strongly supports this project.

**Brad Willmore, Telegraph Hill Dwellers**

1. Supports the project.

ACTION: Approved based on the agreement read into the record  
by the Zoning Administrator

AYES: Alexander, S. Lee, Hughes, W. Lee, Olague

ABSENT: Antonini and Bradford-Bell

MOTION: 17078

13. 2005.0315C  
(415) 558-6313)

(D. SIROIS:

1102 TARAVAL STREET (A.K.A. 2397 – 21<sup>ST</sup> AVENUE) - north side between 21 Avenue and 22 Avenue, Assessor's Block 2350, Lot 017 - **Request for Conditional Use** Authorization under Sections 711.54/790.60 to legalize a massage establishment (Carnival Acupressure Center) that would be limited to the ground floor of the existing commercial space located in an NC-2 (Small Scale Neighborhood Commercial District) and a 65-A Height and Bulk District. Preliminary Recommendation: Disapproval

1. SPEAKERS:

**Jeff Wong, project sponsor**

- Silent partner and not really familiar with project. Requested a continuance.

**Michael Ferrah, representing project sponsor**

- Principal partner is unable to attend. Requested continuance.

**Judy Terracina**

- Opposed to continuance.

MOTION: Continued to September 8, 2005.

AYES: Hughes and W. Lee

NAYES: Alexander, S. Lee, Olague

ABSENT: Antonini and Bradford-Bell

RESULT: Motion failed

1. SPEAKERS:

**Unclear name, project sponsor**

- Asked Commission to approve the application.

**Michael Ferrah, representing project sponsor**

- Gave some clarifications about a police report issued on the property.

**Judy Terracina**

1. Opposed to project.

2. ACTION: Disapproved.

AYES: Alexander, S. Lee, Hughes, Olague

ABSENT: Antonini, Bradford-Bell, W. Lee

MOTION: 17079

14.  
(415) 558-6407)

(L. AVERY:

PLANNING COMMISSION RULES AND REGULATIONS -  
**Consideration of amendment** to Article IV, Sections 3 & 6 to address notice and voting; add a new Section 7 to address jurisdiction; and renumber remaining sections of Article IV.

(Continued from Regular

Meeting of July 14, 2005)

SPEAKERS.

**Robert Pender**

1. Wondering why now before the election in November that these changes are been made and there has not been discussion about it.

ACTION:            Approved as modified:

- Article IV, Section 3 Notice, the last sentence shall read: ...No matter shall be considered at any Special Meeting unless included in the Notice calling such meeting.
- Article IV, Section 6 Voting and Section 7 Jurisdiction were amended to read as follows:

Section 6.            Voting.

a.            *Procedural Matters.* Pursuant to Charter Section 4.104, with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

b.            Except as provided in "a" above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Planning Code, Chapter 31 of the Administrative Code, the Subdivision Code and Discretionary Review Powers of the Commission, may be by "Motion" or Resolution adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Conditional Use requires four votes to approve; failure to receive the four votes results in denial of the conditional use. A request for Discretionary Review requires four votes to take discretionary review and modify the project; failure to receive the four votes results in approval of the proposed project without modification.)

A motion of intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and does not have findings that support the intended action. Any Commissioner absent from participation in the action of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

c.            Once the Commission holds the public hearing on a permit application, receives all public testimony and declares that it is ready to consider approval or disapproval of the application, the applicant shall not be permitted to withdraw the application, except with the consent of the Commission. In the event that the Commission passes any motion of intent to approve or disapprove a permit application before them, the applicant shall not be permitted to withdraw the application prior

to the Commission's completion of their action with passage of a written "Motion" with findings or a resolution.

d. Once the Commission holds a public hearing on a matter before them, enters into deliberation and a motion for action is made and receives a second prior to the end of discussion, a request for "call the question" by any member other than the President or Chair would be addressed as follows: The request for "call the question" is considered a motion to halt discussion and must have a second to proceed. If the motion does not receive a second, the motion dies and discussion resumes on the matter on the floor prior to the motion to "call the question." If the motion receives a second then a vote must be taken immediately and passed by a majority of those present.

Section 7. Jurisdiction. Pursuant to Charter Section 4.105, the Commission has the jurisdiction to approve prior to issuance "[all] permits and licenses dependent on, or affected by, the Planning Code administered by the Planning Department." Acting under this section, the Commission may at its discretion by a majority vote of the Commission (four votes), request staff to bring before it for review any such permit or license that has not yet been issued even if the application has been approved by the Commission or Department staff and forwarded to the Central Permit Bureau. The Commission loses jurisdiction upon either the City's issuance of the permit or license, or a valid appeal has been filed to an appellant body.

AYES: Alexander, S. Lee, Hughes, Olague  
ABSENT: Antonini, Bradford-Bell, W. Lee

15. 2005.0524T (D. SIDER:  
(415) 558-6697)

**BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS - Consideration of an Ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process" by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas. Preliminary Recommendation: Commission Holds Public Hearing (Continued from Regular Meeting of July 28, 2005)**  
***THIS IS FOR DISCUSSION ONLY. NO ACTION AT THIS HEARING.***

**SPEAKERS:**  
**Marilyn Amini**

1. Requested a clarification on the 90 days extension

**Sue Hestor**

1. Currently there is not an established citywide effort or process for long term planning.
2. There was/is not community participation.
3. Our intention was to make some generic workable and fair process for creating land use planning legislation for San Francisco.



**Unclear name**

1. Needs to make public participation a priority.

**Unclear name**

1. It seems to her that the Better Neighborhood Plan increases density through rezoning neighborhoods. As such, this could hardly be thought as better by current residents or already fully developed neighborhoods
2. One of the most disturbing elements in the ordinance is the arbitrary limitation based in discretionary review.

**Robert Pender**

1. We have not had enough public participation. We have not had any participation or any kind of discussion on what should happen in the southwest corner of San Francisco.

**Mary Ann Miller**

1. Her main observation is that there really appears to be no need for special legislation. Why are we preempting parts of the code and putting them aside?
2. What is the difference between Better Neighborhood process and the Redevelopment Agency process?

**Judy Berkowitz**

1. We would like to have more time to study this legislation and the amendments that have come in lately so we can be able to make comments on exact places in the legislation that we think needs to be looked at.

**Charles**

- We need to look into the fiscal implications.

**ACTION:** Meeting Held. No Action by the Commission. President Sue Lee directed that this item be calendared on every calendar up to and including September 15, 2005. (9/1, 9/8, & 9/15/05.

**H. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.



The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:**

**Marilyn  
Amini**

Requested that the Commission send notices regarding the Better Neighborhood legislation to every neighborhood organization.

Adjournment:

**7:  
16  
P.M.**

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, October 27, 2005.**

**SPEAKERS:** None  
**ACTION:** Approved  
**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
**ABSENT:** Alexander





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City and County of San Francisco  
**Planning Department**

September 1, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

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## **Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 1, 2005**

**1:30 PM**

**Regular Meeting**

**COMMISSIONERS PRESENT:** Sue Lee; Dwight S. Alexander; Michael J. Antonini;; Kevin Hughes; William L. Lee; Christina Olague

**COMMISSIONER ABSENT:** Shelley Bradford Bell

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE  
AT 1:45 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning;  
Larry Badiner – Zoning Administrator; Tina Tam; Kelley Amdur;  
Michael Li; Ben Fu; Jonathan Purvis; Sara Vellve; Winslow Hastie;  
Irene Nishimura; Mathew Snyder; Adam Varat; Dan Sider; Linda  
Avery – Commission Secretary.

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later

date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.1257C (B. FU:  
(415) 558-6613)

1026 VALENCIA STREET - west side, between 21<sup>st</sup> and Hill Streets, Lot 004 in Assessor's Block 3617 - **Request for Conditional Use** authorization under Planning Code Section 726.43 and pursuant to Planning Code Section 303, to allow the establishment of a new ground floor large fast-food restaurant in the Valencia Neighborhood Commercial District with a 50-X Height and Bulk Designation, and in a Housing/Mixed Use overlay as designated by Planning Commission Resolution No. 16727.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

**(Proposed for Continuance to September 8, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee

ABSENT: Bradford-Bell

2. 2002.0449E (T. CHAN:  
(415) 558-5982)

375 FREMONT STREET - **Certification of a Final Environmental Impact Report:** Subsequent to the publication of the Draft EIR, the project sponsor identified a new preferred alternative similar to Alternative B presented in the Draft EIR. The preferred project, called Alternative D, is a 250-foot-tall, 28-story residential building of approximately 349,071 gross square feet (gsf) consisting of 225 dwelling units and about 217 underground parking spaces. One existing two-story building on the site, which totals approximately 46,500 gross square feet, would be demolished. The 375 Fremont Street Hjul. Building, constructed in 1929, is a listed in four local surveys containing buildings that could be considered historic resources. The project site is located about mid-block on the eastern side of Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from a lobby facing Fremont Street. The site is within the RC-4 (Residential/Commercial High-Density) district, and a 250-R height/bulk district. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District, which is awaiting final adoption by the Board of Supervisors. Should the Board of Supervisor adopt the propose Rincon Hill DTR, the proposed project would be in the new 85/400-R height and bulk district.

**Preliminary Recommendation: Certify the Final Environmental Impact Report. Note: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 6, 2005. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.**

(Continued from Regular Meeting of July 21, 2005)

**(Proposed for continuance to September 15, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell

3. 2004.0916L (M. SNYDER:  
 (415) 575-6891)

900 INNES AVENUE - northeast side between Griffith and Winters Point Boulevard. Assessor's Block 4646 and Lot 007 - **Request for Landmark Designation** under Planning Code Sections 1004.1, 1004.2 as City Landmark No. 250. The subject property is within an NC-2 (Neighborhood Commercial - Small Scale) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of August 11, 2005)

**(Proposed for Continuance to September 22, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell

4. 2004.0545DDDDD (S. VELLVE:  
 (415) 558-6263)

2707 LARKIN STREET - west side between Chestnut and Francisco Streets; Lot 003 in Assessor's Block 0477 - **Requests for Discretionary Review** of Building Permit Application No. 2003.06.22.7592 proposing to construct a one-story vertical addition above an existing three-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of July 28, 2005)

**(Proposed for Indefinite Continuance)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell

## B. COMMISSIONERS' QUESTIONS AND MATTERS

### 5. Commission Comments/Questions

**Commissioner Antonini:**

*Re: Approval of Rincon Hill Plan both by the Planning Commission and the Board of Supervisors*

- Remembered that in their discussions, we seemed to indicate that priority be given to the improvements in Rincon Hill itself.
- Not sure what action the Board of Supervisors dealt with, but it is a very important point. He would like to know whether prioritizing was part of the final resolution

*Re: Presentation on Dwelling Unit merger.*

**Larry Badiner – Zoning Administrator responded:**

1. Re. Rincon Hill: staff who is familiar with the details will do a

presentation under Director's Report next week.

2. Dwelling unit mergers: they have been linked with the Demolition policies. He requested some guidance. Should they be kept together? If we are going to keep together, October 6 is the first time we can bring something to you.

**Commissioner W. Lee:**

Re: Supervisor Maxwell is sponsoring legislation regarding "Back Office Operations"

1. He would like to have the status of this.
2. Is there a committee forming about this?
3. Is the Planning Department aware of this, or are we working with Sup. Maxwell?

**Dean Macris – Director of Planning responded:**

1. He thinks there is a committee, but not sure about the title.
2. There is staff tracking this.
3. Will give an update later this afternoon.

**Commissioner W. Lee:**

1. Would like a report next week because this is tied into the interim controls in the Mission and Eastern Neighborhoods.
2. Thanked Director Macris for the memo he sent to the Department staff regarding performance goals.
3. It will be helpful if the Commission is kept informed on a quarterly basis on the budget, hiring of all employees, and the number of backlogs.

**Dean Macris – Director of Planning responded:**

1. On September 15 he plans to have a presentation on the Department Work Program and how it is reconciled with the budget.

**Commissioner W. Lee:**

1. Are safeguards in place to prevent what happened at Department of Building Department?

**Dean Macris – Director of Planning responded:**

1. We have been monitoring this issue since the previous incident and have consulted on several occasions. We are checking just to make sure that we are doing all we can to prevent any incident like this in the Planning Department.

**Larry Badiner – Zoning Administrator responded:**

1. We are looking at our procedures and are proposing some changes.



**Commissioner Hughes:**

1. Reminded all about the reason for the holiday on Monday and wished everyone a healthy and safe Labor Day.

**Commissioner Alexander:**

1. What would be the cost to convert to electronic case files?

**Dean Macris – Director of Planning responded:**

1. The Department is initiating a process analysis and hopes to get into this a lot deeper than we are right now.

**Larry Badiner – Zoning Administrator responded:**

1. Had meeting with the computer analysis personnel.
2. DBI and Planning Department are working together to examine our computer systems and permitting process.

**Commissioner Antonini:**

1. Asked the Department for a presentation on what triggers the need for a permit? How much cost is involved?

**C. DIRECTOR'S REPORT****6. Director's Announcements**

1. Proposed September 15 for a presentation and update report on the Department's Work Program and Budget.
  - Reported that we are near staff completion on a staff report on the Easter Neighborhoods and PDR. Hope to get this out two weeks in advance and be able to hear the PDR analysis and recommendations on September 22.
7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BoS:**

1. On August 9, 2005, the Rincon Hill Impact Fees were passed. Presentation by staff next week.
2. Tourist Hotel Conversion – passed at its first reading. There was a [proposed] moratorium for 36 months; this was cut down to 18 months.
3. Candlestick Cove Executive Park – At the Land Use Committee meeting of August 10, 2005, Supervisor Maxwell requested more formal site planning. It will go back to the full Board on September 6.
4. 800 Brotherhood Way – Preliminary Negative Declaration: The Planning Commission upheld the negative declaration and approve the project for 182

units in May of this year. Appealed to the Board, the Negative Declaration was upheld +8 -3, with Supervisors Daly, Sandoval and Markarini voting no.

5. 110 Taylor Street – Approved as a landmark.

#### **BoA:**

1. 120 Maynard Street – Demolition project. Commission approved new construction on vacant lot and disapproved demolition.

#### **D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

#### **SPEAKERS:**

**Catherine Howard**

Re: Music Concourse

**Francisco DeCosta**

Re: Quality of life issues for the residents of the City of San Francisco.

**Jim Salinas**

Re: Union Workers without Health Insurance.

**Marilyn Amini**

Re: Three different sets of legislations coming before the Commission in September.

#### **Commissioner Hughes:**

- Requested a status report on the Music Concourse landmark project and an explanation for why it has not been forwarded to the Board.

#### **● CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

8. 2004.1135C  
(415) 558-6325)

(T. TAM:

100 PHELAN AVENUE - southwest corner of Judson and Phelan Avenues; Lot 002 in Assessor's Block 3180 - **Request for a Conditional Use** authorization pursuant to Planning Code Sections 178, 209, and 303 to allow the expansion of an existing institutional use

(Archbishop Riordan High School). The proposal is to construct three, two-story classroom/lecture/ministry buildings in the existing interior courtyard areas on the south side of the school campus. The property is in a RH-1 (D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None  
 ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell  
 MOTION: 17080

9. 2005.0425C (M. LI:  
 (415) 558-6396)

524 HOWARD STREET - north side between 1st and 2nd Streets, Lot 013 in Assessor's Block 3721 - **Request for Conditional Use authorization** to establish a temporary surface parking lot for up to 52 vehicles. Pursuant to Section 156(h) of the Planning Code, the proposed use may be authorized for a maximum of two years, and is subject to short term parking requirements of Section 155(g). The project site is currently vacant and is within the C-3-O(SD) (Downtown Office - Special Development) District and a 450-S Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None  
 ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell  
 MOTION: 17081

#### ITEMS 10a. – 10c. WERE REMOVED FROM THE CONSENT CALENDAR

- 10a. 2004.0297EKCXV (K. AMDUR:  
 (415) 558-6351)

535 MISSION STREET - south side between 1st and 2nd Streets, Lots 68 and 83 in Assessor's Block 3721 - **Adoption of a Mitigated Negative Declaration pursuant to CEQA and Request under Planning Code Section 309 for Determinations of Compliance and Request for Exceptions** including: (1) an exception to the rear yard requirement as permitted in Code Section 134(d); and (2) an exception to ground level wind current requirements as permitted in Section 148; for the construction of a 34-story, 360-foot tall building containing up to 273 dwelling units, approximately 4,000 square feet of ground floor retail space, and up to 273 valet-operated parking spaces in a below-grade parking garage. Common usable open space for the dwelling units would be provided on the 2nd floor and in a rooftop deck, and many of the units would have private balconies. The project also requires Conditional Use Authorization and a concurrent variance hearing before the Zoning Administrator regarding required dwelling unit exposure. The site is presently occupied by a temporary surface parking lot and is in a C-3-O (Downtown Office) District, and a 550-S Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:**

**Victor Gonzalez, Representing project sponsor**

1. Asked Commission to approve the project.

**Clark Manus, Architect for the project**

1. Gave an overall presentation of the project.

**Bertram T. Kaufmann**

1. Asked the Commission to deny the variance application and condition the project.

**Steven Aiello, Green Belt Alliance**

1. This is a worthily project that is well enough designed, is well enough located and has enough good stuff in it that it should have your seal of approval.

**No name stated**

1. The approval of this project would allow young people the ability to get home ownership. Also, it will help to solidify a strong and diverse downtown.

**Sue Hestor**

1. This is a very large building. It is the maximum allowable FAR. You cannot get any larger than this.
2. One of the issues on this project is huge amount of traffic.
3. There is also no open space.

**Ernestine Weiss**

1. We need more affordable housing in the City.

**Joel Yodowitz**

1. It is a very attractive building
2. It does provide substantial public benefits.
3. It also provides substantial open space.

**Francisco DeCosta**

- Concerned about the sewage in the area.

ACTION: Approved  
AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
ABSENT: Bradford-Bell  
MOTION: 17082

10b. 2004.0297EKC~~CV~~X (K. AMDUR:  
(415) 558-6351)

**535 MISSION STREET** - south side between 1<sup>st</sup> and 2<sup>nd</sup> Streets, Lots  
68 and 83 in Assessor's Block 3721 - **Request for Conditional Use**

**Authorization** for dwelling unit density greater than 1 unit per 125 square feet of lot area, for the construction of a 34-story, 360-foot tall building containing up to 273 dwelling units, approximately 4,000 square feet of ground floor retail space, and up to 273 valet-operated parking spaces in a below-grade parking garage. Common usable open space for the dwelling units would be provided on the 2nd floor and in a rooftop deck, and many of the units would have private balconies. The project also requires determinations of compliance and exceptions pursuant to Section 309, and a concurrent variance hearing before the Zoning Administrator regarding Code-required dwelling unit exposure. The site is presently occupied by a temporary surface parking lot and is in a C-3-O (Downtown Office) District, and a 550-S Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: Same as Item 10a.

ACTION: Approved

AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee

ABSENT: Bradford-Bell

MOTION: 17083

10c. 2004.0297EKCXX  
(415) 558-6351)

(K. AMDUR:

**535 MISSION STREET**- south side between 1<sup>st</sup> and 2<sup>nd</sup> Streets, Lots 68 and 83 in Assessor's Block 3721 - **Request for a Variance** from dwelling unit exposure requirements pursuant to the construction of a 34-story, 360-foot tall building containing up to 273 dwelling units, approximately 4,000 square feet of ground floor retail space, and up to 273 valet-operated parking spaces in a below-grade parking garage. Approximately 126 of the 273 dwelling units would not meet the requirements for dwelling unit exposure under Code Section 140. The Project also requires determinations of compliance and the granting of exceptions pursuant to Section 309, and Conditional Use Authorization for dwelling unit density greater than 1 unit per 125 square feet of lot area. Common usable open space for the dwelling units would be provided on the 2nd floor and in a rooftop deck, and many of the units would have private balconies. The site is presently occupied by a temporary surface parking lot and is in a C-3-O (Downtown Office) District, and a 550-S Height and Bulk District.

**ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND GRANTED THE VARIANCE.**

## F. REGULAR CALENDAR

11. 2004.1078D  
(415) 558-6354)

(J. PURVIS:

**2417 BRYANT STREET**- east side south of 22<sup>nd</sup> Street; Lot 023 in Assessor's Block 4151 - **Request for Discretionary Review** of Building Permit Application No. 2004.02.27.7308 proposing the addition of two full floors for two additional dwelling units to an existing single-family dwelling in an RM-1 (Residential, Mixed, Low-Density) Use District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve with Revisions.

(Continued from Regular Meeting of July 21, 2005)



**SPEAKERS:****Theresa McPherson, Discretionary Review Requestor**

1. We concurred with the staff recommendations and analysis.
2. We feel that this proposal is so expansive that it obviously should bring the property up to full compliance with the Planning Code.
3. We preferred the project to be smaller.
4. We have a strong interest that the proposed structure exhibits the character of the neighborhood.

**Wendy Bardsely**

1. Would like the project to be smaller.
2. This project would totally change her life. It would deprive her of air, light and privacy.

**Dave Dick**

1. In favor of Discretionary Review.

**Sue Hestor**

1. Asked the Commission to seriously look at the staff recommendations and put real conditions on this project.

**David Levy, Representing Project Sponsor**

1. With the rear structure in place, the project exceeds the planning code open space requirement by over 25%
2. There is simply no planning code requiring the removal of the rear structure

**ACTION:** Took Discretionary Review and approved per staff recommendations.

**AYES:** S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee

**ABSENT:** Bradford-Bell

12. 2005.0728U (A.  
VARAT: (415) 558-6405)

**LELAND AVENUE URBAN DESIGN SERVICES - Resolution to contract work out** to provide urban design services for Leland Avenue in Visitation Valley. The Planning Department has received a \$75,000 grant from the Haas Jr. Foundation to hire a consultant for street design work to help revitalize Leland Avenue, a neighborhood commercial corridor in Visitation Valley.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of August 11, 2005)

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee, Alexander, Antonini, Hughes, Olague

**ABSENT:** Bradford-Bell and W. Lee

13a. 2004.1106CV (J.

**PURVIS:** (415) 558-6354)

**1360-1364 STEVENSON STREET - west side between McCoppin and Duboce Streets; Lot 073 in Assessor's Block 3513 - Request for**



**Conditional Use Authorization** under Planning Code Section 215(a) to construct a four-story, five-unit residential building on a vacant lot within the C-M (Heavy Commercial) District. A Rear Yard Variance is also sought and will be heard by the Zoning Administrator following the hearing on the Conditional Use. The site is within the C-M District, and a 105-E Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

(Continued from Regular Meeting of July 21, 2005)

**SPEAKERS:**

**Doug McDonald, Architect for the project.**

1. Gave a general description and overview of the project.

**Sue Hestor**

1. What are these units going to cost?
2. These are really large units.
3. Would any of these units be under a \$1,000,000 dollars?
4. How does this address the housing need for the City?
5. Who can afford the units that are been built in this area at this scale?
6. What is the square footage cost that they are anticipating?

**John Strickling, Property Owner**

1. Met with all neighbors and planning staff
2. Project addressed all concerns that everyone expressed.

ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Olague, W. Lee  
 EXCUSED: Hughes  
 ABSENT: Bradford-Bell  
 MOTION: 17084

13b. 2004.1106CV (J.)

PURVIS: (415) 558-6354)

1360-1364 STEVENSON STREET - west side between McCoppin and Duboce Streets; Lot 073 in Assessor's Block 3513 - **Request for a Rear Yard Variance** under Section 134(a) of the Planning Code to provide rear yard open space within an inner court and a rear setback as part of the construction of a four-story, five-unit residential building on a vacant lot within the C-M (Heavy Commercial) District and a 105-E Height and Bulk District.

(Continued from Regular Meeting of July 21, 2005)

SPEAKERS: Same as those listed for item 13a.

ACTION: **ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND HAS TAKEN THE MATTER UNDER ADVISEMENT.**

14a. 2004.1326ACV (W. HASTIE:  
 (415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for Conditional Use Authorization** to construct an 11-story, approximately 130-room hotel, per Section 216(b)(i) of the Planning Code. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:** None

**ACTION:** Without hearing, continued to September 8, 2005.  
**AYES:** S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
**ABSENT:** Bradford-Bell

14b. 2004.1326ACV (W.  
 HASTIE: (415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for a Certificate of Appropriateness**, pursuant to Section 1006.2(b) of the Planning Code, for the demolition of a non-contributory building in the South End Historic District and the construction of a new 11-story hotel building. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit.

Preliminary Recommendation: Approve with Conditions

**SPEAKERS:** None

**ACTION:** Without hearing, continued to September 8, 2005.  
**AYES:** S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
**ABSENT:** Bradford-Bell

14c. 2004.1326ACV (W. HASTIE:  
 (415) 558-6381) (W. HASTIE: (415) 558-6381)

(W. HASTIE: (415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for Floor Area Ratio (FAR), Bay Projection, and Parking Variances** under Sections 124, 136(c)(2) and 151 of the Planning Code. The proposed hotel building would exceed the allowable FAR (which is 5 to 1), with a proposed FAR of 6.13 to 1. Two bay projections on the front elevation of the hotel would project approximately 4'-6" over the property line, while an angled corner bay would also project approximately 4' at its deepest point. These proposed projections exceed the maximum three foot projection required by the Code. The proposed project would not include any off-street parking, although the project is required to provide eight off-street parking spaces. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit. Preliminary Recommendation: Approval with Conditions.

**SPEAKERS:** None

**ACTION:** Without hearing, continued to September 8, 2005.  
**AYES:** S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
**ABSENT:** Bradford-Bell

15a. 2004.1266CDZ (S. VELLVE:  
 (415) 558-6263)

301-323 14<sup>TH</sup> AVENUE (AKA 1301 CLEMENT STREET) - southwest corner of 14th Avenue and Clement Street, Lot 054 (formerly Lots 001, 004, 006, 053) in Assessor's Block 1446 - **Request for Conditional Use authorization for a Planned Unit Development (PUD)** pursuant to Planning Code Sections 209.3(j), 303 and 304 to demolish structures used as a religious institution (Congregation Beth Shalom), and the construction of new approximately 32,500-square foot, 40-foot high synagogue structures, requiring exceptions to the Planning Code's rear yard, front setback and parking requirements.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of July 28, 2005)

**SPEAKERS:**

**Jim Ruben, Representing Project Sponsor**

1. This project is categorically exempt from environmental review.
2. There will be no change or impact on the neighborhood.

**Stanley Sedowitz**

1. Gave an overall description of the design of the project.

**Harrison Fraker**

1. Spoke in favor of the project.
2. This project represents the very best in contemporary architecture for the City.
3. The beauty of this project is the simple, yet, powerful composition.

**Ernestine Weiss**

1. Respectfully asked the Commission to approve this project because the present synagogue is really decrepit.
2. It needs to be replaced for its seismic conditions and is not ADA compatible.

**Peter Jacobs**

1. Asked the Commission to have an environmental review on this project.
2. I am not here to stop the good people of Beth Sholom from having a facility. We simply believe it can be done within the context of the building code.

**Rosemary Jacobs**

1. Presented a petition to the Commission of over 300 names of people from the immediate neighborhood asking the City to do an environmental study before granting a building permit for this project.

**Ron Miguel**

1. Pleased with the new design.
2. Asked the Commission to approve the project.

**Sandy Goldstein**

1. Our new facility has not been designed to induce growth. It is

designed to give us a new sanctuary that reflects the way we worship today and to secure our future.

2. We are seeking to rebuild our home now to support our Jewish community into the 21<sup>st</sup>. Century.

**(Name is unclear)**

1. This new attractive building with an award winning design would be an asset to the neighborhood, making our street--24<sup>th</sup> Avenue--prettier than it is.

**Mark Gunther**

1. Your action today would help to ensure that this institution would be there for people for decades to come.
2. Asked the Commission to approve the project.

**Francisco DeCosta**

1. In favor of project.

ACTION:	Approved
AYES:	S. Lee, Alexander, Hughes, W. Lee
NAYES:	Antonini and Olague
ABSENT:	Bradford-Bell
MOTION:	17086

15b. 2004.1266CDZ (S. VELLVE:  
(415) 558-6263)

323 - 14<sup>TH</sup> AVENUE - west side between Clement Street and Geary Boulevard, Lot 054 (formerly Lots 001, 004, 006, 053) in Assessor's Block 1446 - **Mandatory Discretionary Review** under the Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2005.06.15.5144, proposing to demolish a 3-story, single-family structure currently used as a religious institution within an RH-3 (House, Three Family) Use District and a 40-X Height and Bulk District. The structure will be replaced by a new structure for Congregation Beth Shalom.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of July 28, 2005)

**SPEAKERS:** Same as Item 15a.

**ACTION:** The Zoning Administrator determined that Discretionary Review is exempt for valuation and not subject to Commission review. However, the Commission did not take Discretionary Review and approved the demolition.

AYES:	S. Lee, Alexander, Antonini, Hughes, W. Lee
NAYES:	Olague
ABSENT:	Bradford-Bell

15c. 2004.1266CDZ (S. VELLVE:  
(415) 558-6263)

301-323 14<sup>TH</sup> AVENUE - southwest corner of 14th Avenue and Clement Street, Lot 054 (formerly Lots 001, 004, 006, 053) in

Assessor's Block 1446 - **Request for Zoning Reclassification** to abolish a 35-foot long, 10-foot deep legislated front setback along the southeastern portion of the lot (formerly Lots 004 and 006) pursuant to Planning Code Sections 131 and 302. The elimination of the setback is being sought to allow construction of the new Beth Sholom Synagogue to the front property line. *(An alteration to Block Book Map # 1446 in Volume 12 will graphically reflect the change, rather than the Zoning Map as indicated in previous notices).*

Preliminary Recommendation: Recommend Approval to the Board of Supervisors

(Continued from Regular Meeting of July 28, 2005)

**SPEAKERS:** Same as Item 15a.

**ACTION:** Approved recommendations to the Board of Supervisors.  
**AYES:** S. Lee, Alexander, Hughes, W. Lee  
**NAYES:** Antonini and Olague  
**ABSENT:** Bradford-Bell  
**RESOLUTION:** 17087

16a. 2004.0374CR  
 FU: (415) 558-6613)

(B.

401 UNIVERSITY STREET - southeast corner of University and Bacon Streets, Lot 002, Assessor's Block 5973 - **Request for Conditional Use** Authorization pursuant to Planning Code Sections 234.2 and 303 to install a wireless telecommunications facility consisting of three panel antennas and related equipment cabinet on a new 30'-0" high, 6.5" to 8" thick flagpole on a vacant Location Preference 1 lot as a part of Sprint's wireless telecommunications network within a P (Public) Zoning District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Approval with Conditions.

**SPEAKERS:**

**Javier De la Garza, Sprint PCS**

- In agreement with everything that is in the staff report and its recommendations.

**Peter Chau**

1. We are concerned with the impact to potential health and safety, and with radiation pollution in our very peaceful neighborhood.

**Francisco DeCosta**

1. Sprint should explain why such antennas are placed close to childcare centers and schools.

**Espanola Jackson**

- Asked the Commission not to approve this application.

2005.

**ACTION:** Intent to disapprove. Final language on September 22,

**AYES:** S. Lee, Hughes, Olague, W. Lee

**NAYES:** Alexander and Antonini

**ABSENT:** Bradford-Bell

16b. 2004.0374CR  
 (415) 558-6613)

(B. FU:

401 UNIVERSITY STREET - southeast corner of University and Bacon



Streets, Lot 002, Assessor's Block 5973 - **Request for General Plan Referral** pursuant to 4.105 of the City Charter to install a wireless telecommunications facility consisting of three panel antennas and related equipment cabinet on a new 30'-0" high, 6.5" to 8" thick flagpole on a vacant Location Preference 1 lot as a part of Sprint's wireless telecommunications network within a P (Public) Zoning District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Approval with Conditions.

**SPEAKERS:** Same as Item 16a.

**ACTION:** Intent to disapprove. Final language on September 22,

2005.

**AYES:** S. Lee, Hughes, Olague, W. Lee

**NAYES:** Alexander and Antonini

**ABSENT:** Bradford-Bell

17. 2003.0672EC

(I.

NISHIMURA: (415) 558-5967)

**5800 THIRD STREET RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT- Appeals of Preliminary Mitigated Negative Declaration** - The proposed project would consist of construction of a residential and commercial mixed-use development after demolition of a defunct bottling plant facility at 5800 Third Street (Assessor's Block 5431A, Lot 001), at the southwest corner of Third Street and Carroll Avenue in the Bayview neighborhood. The project would include 355 multi-family residential units in four buildings, 13,000 gross square feet (gsf) of ground floor retail space in two of the buildings that would be along Third Street, and 379 off-street parking spaces in the four buildings. The four buildings would total 641,920 gsf in size, ranging in height from 50 to 60 feet tall (four to five stories) and would be built around a central plaza and a private driveway with two visitor loading spaces, with access from Carroll Avenue. Sixteen surface parking spaces for the retail uses would be provided on the south side of the project site, with access provided from a right-turn-only driveway on Third Street at the southern boundary of the site. Twenty surface parking spaces for visitors would be provided along the central private driveway. Currently, the 5.75-acre site is occupied by a three-story, 103,000-gsf closed Coca-Cola bottling plant constructed in 1966, which would be demolished. Current use of the site is temporary parking of moving company trucks and charter buses. The site is within an M-1 (Light Industrial) District, the Third Street Special Use District (SUD), a 65-J Height and Bulk District, and the proposed Bayview Hunters Point Redevelopment Projects and Zoning Health Center Activity Node. The proposed project would require Conditional Use Authorization by the Planning Commission for residential units in an M-1 District and for a Planned Unit Development.

Preliminary Recommendation: Uphold the Issuance of the Proposed Amended Mitigated Negative Declaration.

(Continued from Regular Meeting of August 11, 2005)

**SPEAKERS:**

**Jim Ruben, Representing Project Sponsor**

- Supports and endorses the negative declaration. The CEQA review is reliable.

**Mary Ann Miller**

- Supports the negative declaration.

**ACTION:** Negative Declaration Upheld



AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell  
 MOTION: 17088

18a. 2003.0672C (M. SNYDER:  
 (415) 575-6891)

5800 THIRD STREET - currently occupied by the vacant Coca Cola facility, southwest corner of Third Street and Carroll Avenue, Lot 001 in Assessor's Block 5431A - **Request for Conditional Use** authorization to allow dwelling units in an M-1 District. Under Planning Code Sections 303 and to allow a Planned Unit Development under Planning Code Section 304. Exceptions to the limitation on density (Planning Code Section 215) and the rear yard requirement (Planning Code Section 134) are being requested under the Planned Unit Development. The Proposal is to demolish the existing facility and surface asphalt and construct a new development that would include four buildings with up to 343 dwelling units, approximately 13,000 square feet of ground floor commercial / retail space, up to 387 off-street parking spaces, and up to three off-street freight loading spaces. The buildings would be between 50-feet and 65-feet tall. The subject property is within an M-1 (light Industrial) District, the Third Street Special Use District, and a 65-J Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of August 11, 2005)

#### **SPEAKERS:**

**Jim Ruben, Representing Project Sponsor**

1. Asked the Commission to approve the project.

**Rick Cristiani, Architect for the project**

1. Gave an overall description of the project.

**Angelo King**

- This project is good, and he would like to see it move forward

**George Davis**

1. This kind of project is just right and fair. It is something good for the community.

**Dorothy Peterson**

1. We need the economic development.
2. We need the housing and the jobs in our community.

**Aureliuos Walker**

1. Spoke in favor of the project.

**Bob Lee**

1. Supports the project.

**Linda Richardson**

1. Hopes the Commission approves this project.
2. This project means a lot to the community.

**Dan Dodt**

1. This development is a fine example of the kind of mixed use, well designed, community sensitive development that supports and reflect the twenty year history of planning for the revitalization of the Third Street Corridor.

**Joe Bass**

1. This project is customized to the needs of the community.

**Mary Ann Miller, San Francisco Tomorrow**

1. Totally delighted to endorse this project. It is the kind of thing that her organization has been waiting for.

ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell  
 MOTION: 17089

18b. 2003.0672CK (M. SNYDER:  
 (415) 575-6891)

5800 THIRD STREET - currently occupied by the vacant Coca Cola facility, southwest corner of Third Street and Carroll Avenue, Lot 001 in Assessor's Block 5431A - **Request for a determination** regarding the significance of net new shadow on Bayview Playground caused by the construction of a residential development that will include four buildings that will range between 50-feet and 60-feet tall.

Preliminary Recommendation: Determination that the net new shadow will not be significant or adverse.

**SPEAKERS:** Same as those listed for item 18a.

**ACTION:** Determined that the net new shadow will not be significant or adverse

AYES: S. Lee, Alexander, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Bradford-Bell  
 MOTION: 17090

6:00 P.M.

19. 2005.0524T (D. ~~SIDER: (415) 558-6697~~ S.  
 DENNIS: (415) 558-6314)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS -  
**Consideration of an Ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process"** by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas.

Preliminary Recommendation: Commission Holds Public Hearing  
(Continued from Regular Meeting of July 14, 2005)

**NOTE: ON AUGUST 4, 2005, FOLLOWING PUBLIC TESTIMONY, THE COMMISSION PRESIDENT DIRECTED THAT THIS ITEM BE CALENDARED FOR DISCUSSION AT ALL COMMISSION HEARINGS THROUGH SEPTEMBER 15, 2005—WITH POSSIBLE ACTION ON SEPTEMBER 15, 2005.**

**SPEAKERS:**

**Espanola Jackson**

1. Did have not knowledge of this legislation until 2 weeks ago.
2. There has not been enough public notification about any developments in the Bayview-Hunters Point.

**Francisco DeCosta**

1. There are many loopholes in this legislation.
2. There has not a meaningful outreach with a meaningful dialogue with all the communities.

**Bernie Choben**

1. Opposed to ordinance.

**No Name stated**

1. Opposed to ordinance.

**Dick Millett**

- Opposed to ordinance.

**Joe Bass**

- Opposed to ordinance.

**RaeDoyle**

1. Requested an extension so the members on her organization can review this.

**Jeffrey Leibovitz**

- In favor of ordinance

**Penelope Clark**

1. In essence, the future better neighborhood use of this is to facilitate new transit corridor neighborhoods. Perhaps to move them from the protection of the current planning code and place them in the better neighborhood programs.

**Kathy Devencenzi**

- The measure as drafted needs major revisions. It is highly flawed.

**Mary Ann Miller, SPEAK**

1. Public needs to know about the scoping of this legislation.

**Denis Antenore**

1. Thanked the Planning Department's staff with helping them with outreach to the public. They have done a competent job.

**Hiroshi Fukuda**

- Opposed to ordinance.

**Mark Solomon**

- Opposed to ordinance.

**Milton Gaines**

- In favor of ordinance.

**George Williams**

- There will be an ample community outreach program at the beginning of this process.

**Sue Hestor**

1. This legislation needs a lot of changes. But if there is one she would change or get rid of it would be the title "Better Neighborhoods." It is a confusing title.

**Marilyn Amini**

1. Handed in a letter from Judy Berkowitz, requesting from the Board of Supervisors an extension of time for review.

**ACTION:** Public Hearing closed for tonight only. Public hearings will continue on 9/8 and 9/15/05. No Action.

#### **G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:**

**Sue**

**Hestor**

Re: Better Neighborhoods scheduling.

Adjournment:

8:  
30  
P.M.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, October 27, 2005.**

SPEAKERS:	None
ACTION:	Approved
AYES:	S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee
ABSENT:	Alexander







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City and County of San Francisco

## Planning Department

September 8, 2005 (minutes)

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 8, 2005  
1:30 PM  
Regular Meeting

DOCUMENTS DEPT.

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President: Sue Lee

Vice-President: Dwight S. Alexander

Commissioners: Michael J. Antonini; Shelley Bradford Bell; Kevin  
Hughes;

William L. Lee; Christina Olague

Commission Secretary: Linda D. Avery

**COMMISSIONERS PRESENT:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W.  
Lee

**COMMISSIONERS ABSENT:** D. Alexander

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:45 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry Badiner –  
Zoning Administrator; Sharon Young; Michael Smith; Winslow Hastie; Ben Fu;  
Glenn Cabreros; Jonathan Purvis; Thomas Wang; Mary Woods; Daniel Sirois;  
Isolde Wilson; Sarah Dennis; Linda Avery – Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2005.0256T (P. LORD:  
(415) 558-6311)

**SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
RESIDENTIAL CONVERSION TO OTHER INSTITUTION -  
Consideration of an Ordinance amending San Francisco Planning  
Code by amending Section 724.1 to allow for conversion of upper  
floor residential units in the Sacramento Street Neighborhood  
Commercial District as a conditional use,** where: the new use will be  
an Other Institution, Educational Service use, only one dwelling unit in  
building will be converted, and that unit is the only non-residential use  
in the building, and no legally residing tenant will be displaced; and  
making findings of consistency with the priority policies of Planning  
Code Section 101.1 and the General Plan.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of June 23, 2005)

**(Proposed for Continuance to September 15, 2005)**

SPEAKERS: None

ACTION: Approved as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee

ABSENT: Alexander and Olague

2. 2004.1166C (M. WOODS:  
(415) 558-6315)

**3220 SACRAMENTO STREET** - north side between Lyon Street and  
Presidio Avenue; Lot 008, in Assessor's Block 1007 - **Request for  
Conditional Use** authorization under Planning Code Sections 121.1,  
121.2, 303, 724.11, 724.21, 724.38 and 724.81 to modify an existing  
Conditional Use authorization for a Planned Unit Development under  
Motion No. 13578 (for Case No. 1992.498C at 3065 Jackson Street) for  
the expansion of an Other Institution (Large), Educational Service use  
(San Francisco University High School Annex Campus) at 3220  
Sacramento Street; to allow an Other Institution (Large) use on the  
second and third floors; to allow a non-residential use size that exceeds  
2,500 square feet, and on a lot that exceeds 5,000 square feet in area.  
The site is within the Sacramento Street Neighborhood Commercial  
District (NCD) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**(Proposed for Continuance to September 15, 2005)**

SPEAKERS: None

ACTION: Approved as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee

ABSENT: Alexander and Olague

3. 2004.0175DV (S. VELLVE:  
(415) 558-6263)

**3075 PACIFIC AVENUE** - south side between Baker and Lyon Streets;  
Lot 014C in Assessor's Block 975 - **Request for Discretionary Review**  
of Building Permit Application No. 2003.01.10.4985, proposing to add a  
full third-story addition to a two-story single-family home in an RH-1(D)  
(House, One-Family (Detached Dwelling)) District and a 40-X Height  
and Bulk District. The proposal is subject to a Side Yard Variance

request, which was heard on July 28, 2004 (Case No. 2004.0175V).  
The Zoning Administrator's decision is pending.

Preliminary Recommendation: Do not take Discretionary Review and  
approve the building permit application as revised

**(Proposed for Continuance to October 6, 2005)**

SPEAKERS: None

ACTION: Approved as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee

ABSENT: Alexander and Olague

4. 2004.0303C (K. MCGEE:  
(415) 558-6367)

401-407 VALENCIA STREET - southeast corner of Valencia and 15<sup>th</sup>  
Streets, Lot 029, Assessor's Block 3554 - **Request for Conditional  
Use** Authorization pursuant to Sections 726.83 and 303 of the Planning  
Code to install a wireless telecommunications facility consisting of three  
(3) panel antennas and three (3) related equipment cabinets on an  
existing residential hotel, 'The Royan Hotel,' as a part of the Sprint PCS  
wireless telecommunications network within the Valencia Street  
Neighborhood Commercial Zoning District, a 50-X Height and Bulk  
Designation, and the Mission Alcoholic Beverage RUSD. The site is a  
Location Preference 6.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

**(Proposed for Continuance to October 6,  
2005)**

SPEAKERS: None

ACTION: Approved as proposed

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee

ABSENT: Alexander and Olague

5. 2004.0392ACE (C. ROOS:  
(415) 558-5981)

851 BEACH STREET (a.k.a. 900 NORTH POINT STREET /  
GHIRARDELLI SQUARE) -

bounded by Polk, Beach, Larkin and North Point Streets; Lot 001 in  
Block 0452 - **Appeal of Negative Declaration**. The project includes a  
change of use for a portion of Ghirardelli Square, associated alterations  
and seismic upgrading of associated structures. The proposed project  
would convert all existing office use (about 62,000 gross square feet  
(gsf)), and some retail use (about 43,700 gsf), at Ghirardelli Square to  
hotel use that would include about 100 rooms (105,700 gsf).  
Approximately 84,300 gsf of retail space would remain. A Preliminary  
Mitigated Negative Declaration (PMND) analyzing the potential  
environmental effects of the proposed project was published, July 23,  
2005. An appeal of the PMND was filed on behalf of UNITE HERE,  
Local 2 by Sue C. Hestor, Esq., on August 12, 2005. The appellant  
withdrew the appeal in a letter dated August 31, 2005. A Final  
Mitigated Negative Declaration was issued September 1, 2005.

**NOTE: This item is for Commission and public information only.  
There is no action to be taken on this item.**

**APPEAL OF NEGATIVE DECLARATION WITHDRAWN**

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption – Draft Minutes of June 16, 2005.

ACTION: Approved  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Alexander and Olague

## 7. Commission Comments/Questions

### **Commissioner Antonini:**

*Re: Article in the today's Examiner, Unaffordable Housing, written by Joe Cobb, used to be Chief Economist for the US Senate. Basically his thesis is 'The higher the percentage of inclusionary housing that is required by a locality, the lower the amount of housing that is produced overall.' He points out that over the last 30 years that this has been in force we've only produced about 228 units statewide that classify as inclusionary. He uses the case of Watsonville that had an inclusionary requirement of 25% for nine years and virtually nothing was built by the market. Since it was lowered in 2000 they have increased their housing stock by 12%. This might not be overwhelming, but it is something we should look at--how much a deterrent a particular policy is at the higher levels from the production of housing and how much does it add to the sale prices of those units that are market rate? Would like to hear from any staff or anyone who has additional statistics on this issue and what has been the track record of this type policy in the last 20 years in California.*

### **Commissioner W. Lee:**

*Re: Next month's presentation by the Director of the Mayor's Office of Housing, regarding housing issues and affordable housing -- he would like to extend the invitation to the Association of Bay Area Governments (ABAG), and get their input on what other counties are doing regarding housing and affordable housing issues?*

### **Commissioner Bradford-Bell:**

*Re: Asked everyone to pray for and help all Katrina's Survivors.*

## **C. DIRECTOR'S REPORT**

### 8. Director's Announcements

**None**

## 1. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

### **BOS:**

- Supervisor Maxwell has introduced a fee ordinance that proposes to be imposed on projects approved in Executive Park and Visitacion Valley. This ordinance will come to the Planning Commission. Associated with that, it was the supervisors' judgment that she should defer action on the General Plan amendment, which in fact was the item before the Board of Supervisors at the time. The decision you made on General Plan amendments is for the Board to either approve or disapproved. Supervisor Maxwell chooses to disapprove on the bases that she did not want any project to go forward pending the disposition of this proposed ordinance.
- Will attend a meeting in Visitacion Valley with the Board of Supervisors to give a status report regarding site plans and potential impacts on Executive Park. I will also bring that committee up to date on the status of Leland Avenue. This is one



of the projects that we have under the Better Streets Project.

3. On October 6, 2005, you will have a presentation on Green Buildings.
4. On October 20, 2005, you will have a discussion regarding Affordable Housing.
5. On October 27, 2005, you will have an enforcement presentation so you can be brought up to date on the enforcement program.
6. The Board has presented a zoning map amendment for Roosevelt Way and Henry Street to zone that parcel as open space.

#### **BOA:**

1. 4967-69 17<sup>th</sup> Street - dwelling unit merger. The Commission expressed concern about this merger even though the tenants had left. The Board originally heard this on 8/17/05 and closed the hearing to allow Commissioner Albright to hear the findings. They voted to overturn the Planning Commission's denial, and approve the merger +5 to -0, they cited that the original configuration of the building was a single family dwelling and also noted that while there was a Certificate of Final Completion, it said that this was a two-unit building. We were not able to locate a building permit that allowed it to go from a single to two-family building.
2. 455 Pennsylvania Street – heard in February. The Planning Commission took discretionary review and removed the fourth floor, set the third floor back by 15 feet, recessed the garage door and remove the proposed parapet. Project sponsor did not agree with the changes and asked that the permit be disapproved. The Board upheld the Planning Commission's determination. They also felt it would be appropriate for the project sponsor to take advantage of the rear yard pop-up that is permitted under the code.
3. 763 University Street - Planning Commission took discretionary review. Your decision was appealed – The Board upheld the Planning Commission +4 to -0 and required the Planning Department to further review for conformance to Residential Design Guidelines.

- Regarding information on legislations: you will find this week a summary of the Medical Cannabis Dispensaries legislation. We are going to continue to provide you with this kind of summary as we get the legislations. It will be a very brief outline of just the facts contained within without creating any policy issues.

10. Music Concourse - Status Report.

**SPEAKERS:** None

**ACTION:** Meeting Held. No Action

11. Rincon Hill - Report on Final Approvals.

**SPEAKERS:**

**Jeffrey Leibowitz**

1. If this Nexus study proves to be faulty and it is not accurate, there is no equation between affordable housing and new development being created. The City needs to step up to the plate and put a stop to this kind of extortion.

#### **Jim Miko**

1. The slush fund is a development fee already agreed to by developers of all the projects affected in the Rincon Hill area.
2. The fees would be allocated based on the recommendations of the Citizens



Advisory Committee appointed by the Board of Supervisors.

ACTION: Meeting Held. No Action

1. Green Building – Informational Presentation

**ACTION: Without hearing, moved to October 6, 2005.**

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Sue Hestor**

Re: 1140 Potrero Demolition – A demolition project disapproved by the Planning Commission.

1. Suggested that the Department assign or implement a better system of filing appeals at the Board of Appeals.

**Jim Miko**

Re: Shared some information regarding the Western-Soma Citizen Planning Task Force.

**E. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

13. 2005.0197C  
(415) 558-6346)

(S. YOUNG:

**2022-2024 HAYES STREET** - north side between Clayton and Cole Streets; Lot 009 in Assessor's Block 1194 - **Request for Conditional Use** authorization under Sections 209.3(c) and 303 of the Planning Code to increase the bed capacity of an existing residential care facility, which provides drug and alcohol treatment program services ("Asian American Residential Recovery Services"), from 22 to 26 beds in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. No exterior modifications will be made to the existing building envelope.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander  
MOTION: 17091

14. 2005.0529C (M.

SMITH: (415) 558-6322)

230 WEST PORTAL AVENUE - north side between Vicente Street and 14<sup>th</sup> Avenue, Lot 012 in Assessor's Block 2988A - **Request for Conditional Use** Authorization pursuant to Planning Code Section 729.41 to establish an 886 square-foot wine bar, located in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander  
MOTION: 17092

15. 2005.0485C (M. SMITH:  
(415) 558-6322)

69 & 75 WEST PORTAL AVENUE - south side between Vicente and Ulloa Streets, Lots 019 and 023C in Assessor's Block 2979A - **Request for Conditional Use** Authorization pursuant to Planning Code Section 729.42 to enlarge an existing full-service restaurant (Mozzarella di Bufala) by merging the space with the vacant ground floor commercial space in the adjacent building on the adjacent lot, located in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander  
MOTION: 17093

## •REGULAR CALENDAR

16a. 2004.1326ACV (W. HASTIE:  
(415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for Conditional Use Authorization** to construct an 11-story, approximately 130-room hotel, per Section 216(b)(i) of the Planning Code. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 1, 2005)

SPEAKERS:  
**David Levy, representing Project Sponsor**

1. This project is an outstanding project for the City and the area.
2. Urged Commission to approve this project.

**Michael Stanton, Architect**

1. Gave an overall description of the project.

**Harold Moose, Project Sponsor**

1. He made a statement regarding the concerns and needs for a hotel in this infrastructure.
2. Strongly urged the Commission to approve this project.

**Ernestine Weiss**

1. Asked the Commission to approve this construction. It will be an improvement in the area and compliment the area. It's a perfect fit. Please approve this and let them get started.

**Ian Lewis, Unite Here Local 2**

1. The construction of this hotel will bring the kind of jobs that really contribute to the City and the community.

**Jeffrey Leibowitz, Rincon Point South Beach CAC**

1. This is a great project for this community. We requested that there be some public improvements along that alleyway because it will be their front door.

**Jim Salinas, Carpenters Local 22**

1. This is a very responsible project sponsor who has chosen a very reputable and very responsible union contractor with long ties to the community.
2. Asked the Commission for their support and to approve the project and move it forward.

**Mike Newman, Swinerton Builders**

- Wants to join in on the love fest for this project and urged the commission to approve it.

**ACTION:** Approved as amended: Project Sponsor shall work with other associated property owners to develop a unified plan and submit it for review and approval by the Planning Director, for sidewalk and street improvements, including the alley.

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** Alexander

**MOTION:** 17094

16b. 2004.1326ACV

(W.

HASTIE: (415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for a Certificate of Appropriateness**, pursuant to Section 1006.2(b) of the Planning Code, for the demolition of a non-contributory building in the South End Historic District and the construction of a new 11-story hotel building. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit.

Preliminary Recommendation: Approve with Conditions  
(Continued from Regular Meeting of September 1, 2005)

SPEAKERS: Same as Item 16a.

ACTION: Approved as amended: Project Sponsor shall work with other associated property owners to develop a unified plan and submit it for review and approval by the Planning Director, for sidewalk and street improvements, including the alley.

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

MOTION: 17095

16c. 2004.1326ACV (W. HASTIE:  
(415) 558-6381) (W. HASTIE: (415) 558-6381)  
(415) 558-6381 (W. HASTIE: (415) 558-6381)

144 KING STREET - north side, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Assessor's Block 3794, Lot 24 - **Request for Floor Area Ratio (FAR), Bay Projection, and Parking Variances** under Sections 124, 136(c)(2) and 151 of the Planning Code. The proposed hotel building would exceed the allowable FAR (which is 5 to 1), with a proposed FAR of 6.13 to 1. Two bay projections on the front elevation of the hotel would project approximately 4'-6" over the property line, while an angled corner bay would also project approximately 4' at its deepest point. These proposed projections exceed the maximum three-foot projection required by the Code. The proposed project would not include any off-street parking, although the project is required to provide eight off-street parking spaces. The property is located within an M-2 (Heavy Industrial) District with a 105-F Height and Bulk limit.

(Continued from Regular Meeting of September 1, 2005)

SPEAKERS: Same as Item 16a.

ACTION: Zoning Administrator closed public hearing and granted the variances subject to standard conditions of approval.

17. 2004.0076C (B. FU:  
(415) 558-6613)

1350 NATOMA STREET - west side, between 14<sup>th</sup> and 15<sup>th</sup> Streets, Lot 089 in Assessor's Block 3548 - **Request for Conditional Use** authorization pursuant to Planning Code Sections 215 and 303 to allow the construction of 8 residential dwelling units in a C-M (Heavy Commercial) District with a 50-X Height and Bulk Designation, and in a Housing/Mixed Use overlay as designated by Planning Commission Resolution No. 16727. The proposal is to demolish the existing industrial building and construct 8 dwelling units within a new four-story over ground floor parking garage building containing a total of 8 off-street parking spaces.

Preliminary Recommendation: Approve project as revised with conditions

(Continued from Regular Meeting of July 14, 2005)

SPEAKERS:

**David Silverman, representing project sponsor**

1. This project strikes the right balance between housing density and existing neighborhood character.
2. The new building will replace a dilapidated warehouse and will enhance the neighborhood by bringing family friendly dwellings to an area slated for more housing developments by both the General Plan and the Eastern Neighborhood

Zoning policies.

3. This is a beautifully designed building that complies with the Planning Code and deserves the Planning Commission support.

**Eric Quezada, MAC**

1. Over the last couple months, MAC has been working with a group of neighbors on Natoma and Minna Streets basically looking with a compromise.
2. We are all familiar with MAC concerns about the loss of PDR.
3. We are not in agreement with everything that is in the plan, but we feel that this is a compromise that with came with neighbors input.
4. We would like to present to you an alternative vision of a better project--one that meets the broader and longer-term goals.
5. It is not a question that this particular design meets all the codes.
6. What we want to provide is a framework that met the goals of the neighbors.
7. We hope that in your wisdom, you look to all the alternatives that are out there, and understand that we work with many different interests.

**Ciaran Scallan**

1. Opposed to project.
2. This huge monolith of a building of 50 feet or so is not going to do anything for our neighborhood. It is out of character.

**Ted Whipple**

1. Feel that the Conditional Use application should be denied.
2. Project is simply too big for this alley. It is out of character.
3. It is un-affordable to most of the neighbors.

**Luke Longin**

1. Concerned about parking.

**Marna Schwartz, MEDA**

1. Concerned about the need for affordable housing in that area.
2. Many of the neighbors are unable to purchase in the area and are being displaced.
3. If you continue to erect buildings such as the proposed development that are going to be luxury styled, there will be further displacement in the community.

**Tracy Parent, MEDA**

1. Talking about family friendly dwellings -- we feel there is a big disconnect between the proposed plan, and what family friendly means for the neighbors.
2. The families that live in this neighborhood cannot afford this kind of luxury condominium units.
3. 70% of household in the Mission earn less than \$90,000 dollars a year.
4. Who are these units for?
5. Asked the Commission to support the alternative plan.

**Maire Sheahan**

1. Opposed to Project.



**Hsing-Yen Fu**

1. Concerned about privacy.

**Robert Hernandez**

1. Strongly objects and protests the 50-foot height that is proposed to be built.

**Fernando Marti, MAC**

1. We need our modest market rate units for the families in the Mission District so they can stay with their community and not have to leave the neighborhood.

**Mariana Viburro**

1. This project proposes to build ten luxury condominiums, which are not accessible to any family that currently lives in the vicinity.

**Patricia Moore**

1. This project will be helpful for the neighborhood to grow, and will also help to solve some of the many problems we have with gangs.

**Joe O'Donoghue**

1. There is no impact on tenants.
2. We live in a rent controlled City.
3. This project is being built on a lot where there are not tenants.

**Dan McCarthy**

1. In favor of project.

**Shawn Kikran**

1. In favor of project.

**James Nunamacher**

1. In favor of project

**Antonio Perez**

1. Supports building because it will bring pride and ownership to the neighborhood.

**John O'Conor**

1. Urged the Commission to approve this project as proposed.

**Peggy Lewis-Phil**

- Concerned about her privacy.

ACTION: Approved a 40-foot project to maximize 2 bedroom units requiring that at least 50% of the units have 2 bedrooms.

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee  
 NAYES: Olague  
 ABSENT: Alexander  
 MOTION: 17096

18. 2004.1257C (B.  
 FU: (415) 558-6613)

1026 VALENCIA STREET - west side, between 21<sup>st</sup> and Hill Streets, Lot 004 in Assessor's Block 3617 - **Request for Conditional Use** authorization under Planning Code Section 726.43 and pursuant to Planning Code Section 303, to allow the establishment of a new ground floor large fast-food restaurant in the Valencia Neighborhood Commercial District with a 50-X Height and Bulk Designation, and in a Housing/Mixed Use overlay as designated by Planning Commission Resolution No. 16727.

Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of September 1, 2005)

SPEAKERS:  
**Jeremy Paul, representing project sponsor**

1. Asked the Commission to approve this application

**Tom Given**

1. Urged the Commission to approve this application.

ACTION: Approved as amended: Unless applied for and receives Conditional Use authorization, there shall not be any use of the rear patio.  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander  
 MOTION: 17097

19. 2005.0094C (B. FU:  
 (415) 558-6613)

81-83 ERVINE STREET - east side, between Campbell Ave. and McClaren Park, Lot 033 in Assessor's Block 6190 - **Request for Conditional Use** authorization pursuant to Planning Code Sections 121 (f) and 303 to construct two single-family dwellings on two lots having a lot width of less than 25'-0", as the result of a lot split in an RH-1 (Residential, House, One-Family) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Approval with Conditions

SPEAKERS:  
**Tony Pantelioni, Architect for the project**

1. Gave an overall description and review of the project.

ACTION: Approved  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander  
 MOTION: 17098

20. 2004.0392ACE (G. CABREROS:

(415) 558-6169)

851 BEACH STREET (a.k.a. 900 NORTH POINT STREET / GHIRARDELLI SQUARE) - bounded by Polk, Beach, Larkin and North Point Streets; Lot 001 in Block 0452 - **Request for Conditional Use** authorization pursuant to Planning Code Sections 216, 240.2 and 303 proposing to convert 62,000 square feet of existing office use and 39,000 square feet of existing retail space in six connected buildings along the Polk and North Point frontages of Ghirardelli Square to up to 101,000 square feet of tourist hotel use with up to 99 guest rooms. The project proposes no expansion of the building envelope and minor alterations to the existing facade. The property is in a C-2 (Community Business) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. Ghirardelli Square is City Landmark No. 30. Preliminary Recommendation: Approval with Conditions

SPEAKERS:

**Jim Reuben, representative of the Project Sponsor**

1. Gave some history, stated there was no opposition and respectfully asked the Commission to approve this application.

**Mark Correnburger, Architect**

1. Gave an overall review and description of the project.
2. The proposal is to preserve the existing historic fabric;
3. Revitalize the uses in the upper levels; and
4. Strengthen the structure of the buildings (that are unreinforced masonry buildings).

**Ian Lewis, Unite Here Local 2**

- This hotel will bring good quality living-wage jobs to San Francisco

ACTION: Approved with drafted conditions

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

MOTION: 17099

21a. 2004.1272DDV  
(415) 558-6354)

(J. PURVIS:

600 KANSAS STREET (AKA 2111 18<sup>TH</sup> STREET) - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.21.3730, proposing to convert the existing single-family dwelling at 600 Kansas Street into a two-family dwelling following the subdivision of an existing lot into two lots, with off-street parking provided on the newly created adjacent lot, subject to granting of a parking variance by the Zoning Administrator; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary review and approve the building permit as it has been submitted.

SPEAKERS:

**Jeremy Paul, representing first Discretionary Review Requestor**

1. There are some serious design issues with this project.
2. The orientation of this building with the rear yard facing the main living portion of the Edelson's home is a very in-appropriate decision.

3. He could decide to turn these buildings toward Kansas Street or 18<sup>th</sup> Street.
4. The decision to face toward 18<sup>th</sup> Street backed-up the main living area of that house directly to the Edelson's home in a way that is completely unnecessary for a quality project.
5. The addition to the existing building unreasonably increases the housing density adjacent to 606 Kansas.
6. The height and bulk are way out the norm for this neighborhood.
7. It is a very poor design of this building.

**John Carney**

1. Strongly objects to the staff recommendations.
2. Concerned about the parking.

**Mary Louise Green**

1. This new building should be facing Kansas Street, and it should be a flat not a duplex.

**Babette Drefke**

1. Concerned about parking.
2. Parking on Potrero Hill is at a premium right now.

**Dick Millett**

1. Concerned about parking.
2. Also concerned about the fire escapes.

**Anne Symoa**

1. The proposed project would create little parking spaces, cutting up the open space.
2. This building already violates the intention of the general plan by having a front yard instead of a backyard.

**Nic Vereczlky**

1. This building would be out of character.
2. It will really reduce the existing front lot size, and would take the entire corner.
3. The original plans done and turned into the City, were reviewed properly.

**Veva Edelson**

1. Presented to the Commission a petition of about 160 signatures opposing this project.

**Jennifer Durrant**

1. Her concern is that the developer at the corner of 18<sup>th</sup> and Kansas Streets wishes to create a 160 x 50 foot lot and two 20 x 50 foot lots. This will be 40% of the size of a normal Potrero Hill lot.
2. One Potrero Hill lot should not be split into three.

**Robin Myers**

1. Read a letter from David Colleen, Architect for the State of California, and resident of the Potrero Hill opposing the project.

**Athena Poppas**

1. This project would have an unusual impact on privacy to neighboring interior living space.

**Robert Fender**

1. Concerned about the height, loss of light, and view.
2. The new proposed structure would block the northern view of the downtown skyline.

**Dan Miller, Project Sponsor**

1. Gave a general overview of the project, and respectfully requested that the Commission approve his application.

**Joel Yodowitz, representing the Project Sponsor**

1. Project Sponsor did, what a responsible Project Sponsor should do...
2. He met several times with neighbors and Planning Department staff.

**Henry Quan, Architect**

1. Generally described the project.

**Scott Cross**

1. In favor of project.

**Rob Fisher**

This project has a lot of merits.

**ACTION:** Meeting held. Continued to October 20, 2005 to address design concerns. Public hearing remains open.

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** Alexander

21b. 2004.1272DDV  
(415) 558-6354)

(J. PURVIS:

**600 KANSAS STREET (AKA 2101-2103 18<sup>TH</sup> STREET)** - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.21.3740, proposing to construct a new two-family dwelling on a newly created lot at the southwest corner of Kansas and 18<sup>th</sup> Streets following the subdivision of an existing lot into two lots; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary review and approve the building permit as it has been submitted.

**SPEAKERS:** Same as 21a.

**ACTION:** Meeting held. Continued to October 20, 2005 to address design concerns. Public hearing remains open.

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee



ABSENT: Alexander

21c. 2004.1272DDV  
(415) 558-6354)

(J. PURVIS:

600 KANSAS STREET (AKA 2111 18<sup>TH</sup> STREET) - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Parking and Rear yard Variances** to subdivide a 5,000 square-foot lot into two lots, with an existing single-family dwelling on one 2,950 square-foot-lot fronting solely on 18<sup>th</sup> Street and a proposed new two-family dwelling to be built at the corner on a 2,050 square-foot lot. The rear yard for the existing building would be provided within a 15-foot setback on the east side (between the existing and proposed buildings) and no off-street parking would be proposed for this lot, requiring both rear yard and parking variances; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.

SPEAKERS: Same as 21a.

ACTION: Zoning Administrator continued item to October 20, 2005. Public hearing remains open.

22a. 2005.0071D  
WANG: (415) 558-6335)

(T.

179 SADOWA STREET - south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application Nos. 2003.12.29.3124, 2003.12.29.3125 and 2003.12.29.3124 proposing to demolish a single-family dwelling, an independent garage structure and a greenhouse in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permits.

(Continued from Regular Meeting of August 4, 2005)

SPEAKERS:

**Jeffrey Chang, representing Project Sponsor**

- Asked the Commission to approve this application.

ACTION: No DR and approved

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

22b. 2005.0072D  
(415) 558-6335)

(T. WANG:

179 SADOWA STREET- south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of the replacement structures in association with residential demolition, of Building Permit Application No. 2003.12.29.3123, proposing to subdivide the lot into two lots and construct a two-story, single-family dwelling on one of the two lots in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

(Continued from Regular Meeting of August 4, 2005)

SPEAKERS:

**Jeffrey Chang, representing Project Sponsor**

- Asked the Commission to approve this application.

**ACTION:** Took Discretionary Review and approved as modified:

- Enlarge the garage area by removing the ground floor family room and its adjacent full bathroom; and
- Record a Notice of Special Restrictions on the Land Records under the Planning Code that the ground floor area shall be used as an accessory to the dwelling above.

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** Alexander

22c.

2005.0073D

(T.WANG:

(415) 558-6335)

**183 SADOWA STREET** - south side between Capitol and Plymouth Avenues; Lot 032 in Assessor's Block 7138 - **Mandatory Discretionary Review**, under Planning Commission's policy requiring review of the replacement structures in association with residential demolition, of Building Permit Application No. 2003.12.29.3131 proposing to subdivide the lot into two lots and construct a two-story, single-family dwelling on one of the two lots in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

(Continued from Regular Meeting of August 4, 2005)

**SPEAKERS:**

**Jeffrey Chang, representing Project Sponsor**

- Asked the Commission to approve this application.

**ACTION:** Took Discretionary Review and approved as modified:

- Enlarge the garage area by removing the ground floor family room and its adjacent full bathroom; and
- Record a Notice of Special Restrictions on the Land Records under the Planning Code that the ground floor area shall be used as an accessory to the dwelling above

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** Alexander

23. 2005.0091D

(M. WOODS:

(415) 558-6315)

**1234 PAGE STREET** - north side between Baker and Lyon Streets; Lot 009 in Assessor's Block 1220 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2005.01.13.3211, proposing to legalize the building's use from three units to two units, in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit application.

**SPEAKERS:**

**Chris Klingebiel, Project Sponsor**

1. Described the project and the reasons for it. Asked the Commission to approve his application.

request      ACTION:      Did not take Discretionary Review and approved the  
 AYES:      S. Lee, Antonini, Bradford-Bell, Hughes, Olague  
 ABSENT:      Alexander and W. Lee

24 .      200 5.0472D      (D. SIROIS:  
 (415) 558-6313)

4054 20<sup>TH</sup> STREET - north side, between Noe & Sanchez  
 Streets, Lot 020, Assessor's Block 3601 - **Request for  
 Discretionary Review** of Building Permit Application  
 2005.03.18.7894, to construct a three-story horizontal and  
 vertical addition to the rear of the existing single-family  
 dwelling. The subject property is located in an RH-1  
 (Residential, House, Single-Family, ) District in a 40-X  
 Height and Bulk District and in the Dolores Heights Special  
 Use District.

Preliminary Recommendation: Do not take Discretionary Review and  
 approve the project as proposed.

**SPEAKERS:**  
**Joseph Sidas, Discretionary Review Requestor**

1. The proposed project is out of scale.
2. This third floor addition will seriously impact his property.

**Bernard (unclear last name)**  
 - Opposes the project.  
**Mark Thomas**

1. In favor of Discretionary Review.

**Rolland Treiko**

1. Concerned about his privacy.

**Johan Multan, Architect, representing Project Sponsor**

1. Gave an overall description of the project.
2. Requested that the Commission approve this project.

**Joe Skanka**

1. Opposed to Discretionary Review and supports the project.

**Kevin Murphy**

1. In favor of the Project.
2. There will be very minimal impact to the neighborhood.

**Jeremy Stone**

1. Respectfully asked the Commission to approve her project

2. Needs to expand to be able to raise her children in San Francisco

**No name stated**

1. Read a letter from John Eickan and Philip Fenster, giving their full support for the project.

**Paul Manzer**

1. Spoke in support of the project.

**Alice Poppers**

1. Read a letter from a neighbor, expressing their full support for the project.

**Andrew Murdock**

1. In full support of the project.

**Donald Kay**

1. Ready a letter from a neighbor who could not attend but supports the project.

ACTION: Did not take Discretionary Review and approved the project.

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

25. 2004.1233D (I. WILSON:  
(415) 558-6163)

2549 POST STREET - south side between Baker and Lyon Streets; Lot 031 in Assessor's Block 1081 - **Request for Discretionary Review** of Building Permit Application No. 2004.10.14.6841, proposing to legalize the installation of property-line windows on the east side of the three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit application.

SPEAKERS: None

ACTION: Without hearing continued to October 6, 2005.

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

**6:00 P.M.: 8:10 P.M.**

26. 2005.0524T (S. DENNIS:  
(415) 558-6314)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS -  
**Consideration of an Ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process"** by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget

documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas.  
Preliminary Recommendation: Commission Holds Public Hearing  
(Continued from Regular Meeting of July 14, 2005)

**NOTE: ON AUGUST 4, 2005, FOLLOWING PUBLIC TESTIMONY, THE COMMISSION PRESIDENT DIRECTED THAT THIS ITEM BE CALENDARED FOR DISCUSSION AT ALL COMMISSION HEARINGS THROUGH SEPTEMBER 15, 2005—WITH POSSIBLE ACTION ON SEPTEMBER 15, 2005.**

**SPEAKERS:**

**Mary Helen Baiscor**

1. Better Neighborhood Plus Plan will limit our input on various projects
2. Better Neighborhood Plus will weaken the Planning Code and is likely to be destructive to neighborhoods.
3. There is no guarantee that this will reflect the neighborhood's needs or characters. But there is every chance that it will be an imposition by others. That is not in our best interest.
4. Why are you in such hurry to make such significant changes? These changes that might be potentially destructive.
5. Urged the Commission to take more time to consider and amend this plan or amend the Planning Code itself.

**Ron Miguel**

1. One of his concerns is the appropriateness of applying the legislation [to] an area of 40 acres or more. 40 acres is too small.

**Joe Boss**

1. Expressed his concerns about the need analysis and impact analysis, not being the financial responsibility of the development project.

**Tim Colen**

1. Supports the efforts of the remarkable working group who came together to draft this legislation.
2. San Francisco needs to grow and change and the key to do this essentially is with the type of planning contemplated in this legislation.

**Alice Barkley**

1. Requested that Rincon Hill be exempted from this legislation.

**Jim Meko**

1. Spoke in favor of the legislation.

**Dave Bisho**

1. Asked Commission for a time extension of 45 days before a decision is made.

**Hiroshi Fukuda**

1. Opposes the legislation



**Kenneth Kruszka**

1. Read a letter from Mary Burns, President, Greater West Portal Neighborhood Association, requesting the Commission to grant an extension.

**John Bardis**

1. It is really pretty remarkable. You'll be asked by some group that was not planning staff, to participate in a non-public process to accept legislation that was part of a backroom session and then introduce it to the Board of Supervisors.

**Jeffrey Leibowitz**

1. What legislation are we discussing here?
2. What legislation is going to be forward to the Board of Supervisors?
3. Concerned about whether or not the studies, particularly for the Eastern SOMA-- the improvement and funding studies that were called out in the legislation, are being conducted now by the Planning Department.

**Judith Berkowitz**

1. Any change by the City to Land Use Controls, the Planning Code, and the planning implementation process should be accomplished by amending the Planning Code not the Administrative Code. A process that fundamentally defines planning should be in the Planning Code, not in the Administrative Code.
2. Requested that this legislation be sent back to the Board of Supervisors with the recommendations to be placed in the Planning Code.

**Marilyn Amini**

1. There is a lot to address regarding this legislation. There was no public notification or process. Land use controls should be part of the Planning Code instead of the Administrative Code.

**Bernard (unclear last name)**

1. We would like far more discussion. There should be further delays by the Board of Supervisors, and your recommendations to the Board.

**Emery Coleman**

1. Opposed to the legislation.
2. More studies should be done.
3. Does not trust the Planning Department.

ACTION: Meeting Held. No Action

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will

be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

#### **SPEAKERS:**

##### **•1 .John Bardis**

Re: Application Permit Process.

##### **•2 .Marilyn Amini**

Re: Commission's 90 days review period of Board legislations.

Adjournment:

9:20

P.M.

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, FEBRUARY 23, 2006.**

**SPEAKERS**        None

**ACTION:**        Approved

**AYES:**         S. Lee; M. Antonini; Bradford-Bell; K. Hughes; C. Olague

**ABSENT:**        D. Alexander; W. Lee



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City and County of San Francisco

## Planning Department

September 15, 2005

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400

City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, September 15, 2005

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

DEC 19 2006

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COMMISSIONERS PRESENT: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee

COMMISSIONERS ABSENT: Olague,

THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:40 P.M.

STAFF IN ATTENDANCE: Dean Macris – Director of Planning; Larry Badiner – Zoning Administrator; Jim Miller; Mathew Snyder; Tammy Chan; Paul Lord; Mary Woods; Glenn Cabrerros; Sara Vellve; Dan Sider; Joy Navarrete; Ben Fu; Sharon Young; Sarah Dennis; Linda Avery – Commission Secretary.

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2000.1164E  
(415) 558-5977)

(P. MALTZER:

1880-1886 MISSION STREET - Certification of Final Environmental

**Impact Report.** The project site on Assessor's Block 3547, on Lots 2A, 3, 4, and 29 is approximately 51,888 square feet in size and contains two existing buildings containing warehouse use and printing plant with offices. The project site is located at 1880-1886 Mission Street at 15<sup>th</sup> Street (northwest corner) bordered by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south and Julian Street to the west, within the Mission District neighborhood. The project site is located in a Heavy Commercial (C-M) zoning district, within a 65-B/50-X Height and Bulk district, as well as the Mission District Interim Controls district. The proposal is to demolish the two existing buildings and construct one seven-story plus basement building containing 194 dwelling units, including 39 affordable units, and 8,536 square feet (sf) of retail space. The basement and ground floor levels would contain 181 parking spaces with ingress and egress from 15<sup>th</sup> Street. The proposed project would require conditional use authorization by the Planning Commission pursuant to San Francisco Planning Code Section 303.  
**(Proposed for Continuance to October 6, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Olague

2a. 2000.1164E (P.  
 MALTZER: (415) 558-5977)

**1880-1886 MISSION STREET - Adoption of CEQA Findings.** The project site on Assessor's Block 3547, on Lots 2A, 3, 4, and 29 is approximately 51,888 square feet in size and contains two existing buildings containing warehouse use and printing plant with offices. The project site is located at 1880-1886 Mission Street at 15<sup>th</sup> Street (northwest corner) bordered by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south and Julian Street to the west, within the Mission District neighborhood. The project site is located in a Heavy Commercial (C-M) zoning district, within a 65-B/50-X Height and Bulk district, as well as the Mission District Interim Controls district. The proposal is to demolish the two existing buildings and construct one seven-story plus basement building containing 194 dwelling units, including 39 affordable units, and 8,536 square feet (sf) of retail space. The basement and ground floor levels would contain 181 parking spaces with ingress and egress from 15<sup>th</sup> Street. The proposed project would require conditional use authorization by the Planning Commission pursuant to San Francisco Planning Code Section 303.  
**(Proposed for Continuance to October 6, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Olague

2b. 2003.0758C (J. PURVIS:  
 (415) 558-6354)

**1880-1886 MISSION STREET - west side between 14<sup>th</sup> and 15<sup>th</sup> Streets; Lots 2A, 3, 4, and 29 in Assessor's Block 3547 - Request for Conditional Use authorization** under Planning Code Sections 215, 271, 303, and 304 for a Planned Unit Development (PUD) exceeding bulk limits, and to allow construction of up to 194 dwelling units, 8,536 square feet of retail commercial space and up to 181 independently

accessible off-street parking spaces, following the demolition of two light industrial buildings on the site. Exceptions are requested from bulk, rear yard, off-street parking and dwelling unit exposure requirements of the Planning Code. The site is within a C-M (Heavy Commercial) Land Use District, and a 50-X and 65-B Height and Bulk District.

Preliminary Recommendation: Approve with Conditions  
(Proposed for Continuance to October 6, 2005)

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
ABSENT: Olague

3. 2004.0196D (R. CRAWFORD:  
(415) 558-6358)

101 POPPY LANE - north side past Diamond Street. Assessor's Block 6713 Lot 056 - **Request for Discretionary Review** of Building Permit Application No. 2004 0915 4254 to construct new three story, single family dwelling on a vacant interior lot, in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Take Discretionary Review and modify the project.

(Continued from Regular Meeting of July 14, 2005)

(Proposed for Continuance to October 20, 2005)

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
ABSENT: Olague

4. 2005.0264DD (I. WILSON:  
(415) 558-6163)

680 27<sup>TH</sup> AVENUE - east side between Anza and Balboa Streets, Lot 020 in Assessor's Block 1569 - **Requests for Discretionary Review** of Building Permit Application No. 2003.07.08.8328, proposing to construct a 25-foot wide by 20-foot deep, three-story addition and a 17-foot wide by 12-foot deep deck (approximately five feet high) at the rear of the existing house, located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Proposed for Continuance to September 15, 2005)

**DISCRETIONARY REVIEW REQUESTS WITHDRAWN**

SPEAKERS:  
Marilyn Amini

1. Asked the Commission if they have received a letter sent by the West of Twin Peaks Central Council requesting continuance of the Medical Cannabis item.
2. Requested a continuance on the Better Neighborhoods. There was no department resolution giving policy analysis.
3. It is important that the Commission make findings regarding environmental review. If a project is not exempt under statutory exemption, categorical exemption or nonphysical exemption, or if you have not established criteria for a determination of significance, the Commission is obligated to hear the public.



**B. COMMISSIONERS' QUESTIONS AND MATTERS**

## 5. Commission Comments/Questions

**Commissioner W. Lee:**

1. One of the main comments by the Planning staff is that the Commission should take a firm and aggressive line on time management of the agendas.
2. Possibly, Commissioners should talk to staff before Commission hearings to seek answers to questions that can easily be provide to them.

**Commissioner Hughes:**

1. Would like to have a discussion or a joint hearing with the Department of Building Inspection (DBI) in the near future regarding items of mutual interests, such as on going customer services, MIS data systems and data management and how they interact between the Planning Department and DBI. We might also include a discussion with them regarding Better Neighborhoods Plus and what that might mean to both departments?

**Larry Badiner responded to Commissioner Hughes:**

- DBI Commissioners are asking for a joint hearing. He will do some research with them.

**C. DIRECTOR'S REPORT**

## 6. Director's Announcements

1. Zoning Administrator announced that Director Macris has an appointment and will join shortly.
2. Next week we will issue our PDR Report. It has taken us some time, but we have been talking with our staff, and with interested parties in the Mayor's Office and outside to develop a coherent policy on PDR. We expect to have an informational hearing in October.

**David Alumbaugh, Department Staff**

1. Reported on the work going on in Visitation Valley, particularly in Executive Park.
7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS:**

1. There were two legislative items introduced. Both were related items introduced by Supervisor Maxwell for Third and Oakdale Avenue for Affordable Housing [and] Special Use District. A project at 4800 Third Street came to the Commission a few years ago. It had some issues. It has been redesigned and is being reintroduced.
2. 3350 20<sup>th</sup> Street – Categorical Exemption Appeal – this was continued because the appellant indicated that they were trying to buy the project. It was continued to September 20, 2005
3. Land Use Committee – The Baby Diaper Changing Ordinance was sent to the

full Board with a recommendation for approval.

**BOA:**

1. 575 25<sup>th</sup> Avenue – Discretionary Review – Planning Commission disapproved the horizontal and vertical addition of a second unit. Your findings included that the Project Sponsor might have deliberately misrepresented the case, and in spite of the appropriateness of the design, the Sponsor should not be rewarded for undermining the DR process. The Board overturned your decision and subsequently the permit was approved with the only modification that the full bath at the garage level be made into a half bath.
8. Department's Work Program and Budget – Status Report

1. Zoning Administrator announced that the Chief Financial Officer, Alicia John-Baptiste has been sick for most of the week and announced the need to continue this item to next week.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Bob Planthold**

**RE: *Elevator Penthouse legislation***

1. Asked the Commission to consider something they you might regard as criticism. He invoked his right under the Brown Act and the Sunshine Ordinance. You folks added an unreasonable and unnecessary burden on the disability community with the amendment you made to the legislation. You did not raise any question of the implications of civil rights and access for the disabled when you had your discussions. You did not asked any question of the Mayor's Office and Disability staffer as to his credentials. You did not previously site any contact with the Mayor's Office on Disability in any way whatsoever.
2. The amendment, I am saying, was pandering to those who are politically powerful and who supported supervisors.
3. You put a burden on the disabled and on poor people by requiring that there be notice given to community in a building that would be under [65 feet], but have an elevator.
4. The logical and functional question is, if a building is 64 feet high, why would it need such notice? If it were 66.5, why would it not need such notice?
5. You ignored a constituency that is a legally protected class. Your response in the amendment was to appeal and appease those in power -- not to be fair, not to be inclusive, not to deal with the civil rights access.
6. It's too often the case in this city that people look at the city codes oblivious. We are part of a State. We are part of a nation that has overriding restrictions and requirements that did not enter into the debate.
7. What you have done is put an extra burden on us when it comes to the Supervisors to take that unnecessary amendment out.
8. That's a disproportionate burden that has no functional basis except political appeasement.

9. And I'm saying that, that you understand when I say disproportionate burden, the implications of potential future lawsuits on this and other aspects of city codes, that you ignore the disabled and the implications of legislations and decisions of projects before you.

**Espanola Jackson**

**RE: *The ordinance that is being proposed by Supervisor Maxwell establishing a Visitation Valley Community Facility and Infrastructure Fee***

1. At the meeting last Saturday, at least 80% of the people there were Asian and did not speak or understand English. The ones who did understand even opposed the fact that Little Hollywood and the Executive Park will be strattled only for Visitation Valley.
2. I have been on the Executive Park Committee for the past 30 years to see that area get built up.
3. If you go by what Sophie [Maxwell] plans to do with this ordinance, it is to draw a line that excludes Bayview Hunters Point.
4. Visitation Valley is exactly half a mile from Executive Park. You have Little Hollywood that is two blocks away from Executive Park. I live at Jamestown and Ingles. I'm only five blocks away. When they start building, I'll be only three blocks away. Still, we are being excluded from the proposed zoning.
5. Asked the Commission not to do the zoning that Supervisor Maxwell is proposing.

**Francisco DeCosta**

1. *Supports the statements made regarding the disability community.*

**RE: *Emergency Response***

1. Since what happened in New Orleans, would like to ask the Commission if they have paid attention to our infrastructure.
2. Would like to know if the Office of Emergency Services is talking to the Planning Commission, in case we have a big one.
3. How are we going to address our evacuation sites?

**Jim Salinas, Sr.**

**Point of Order: Early this week a written request for continuance of 680 Illinois was submitted to the Commission Secretary (Items 22 & 23 on today's calendar)**

- Respectfully requested that the Commission consider that request now and grant the continuance of 680 Illinois Street.

#### **THE COMMISSION RE-OPENED THE CATEGORY: CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

**Under consideration/discussion at this time are items 22 and 23, 680 Illinois Street**

#### **SPEAKERS ON THE REQUEST FOR CONTINUANCE ONLY:**

**James Nunemacher, Project Sponsor**

- We are prepared to go forward today.
  - Do not agree with the continuance because we have had multiple meetings already with the union.
1. We have met with the Carpenters Union and neighbors on five different occasions beginning in January of this year. Primarily at that point they have been looking to get a commitment [from] us for union labor, which is fair enough to ask for I suppose, but we are unable to give that commitment because we

don't even know what we have.

2. This is a very last minute thing that they've brought up after meeting since January and I think it's just a delay tactic frankly.
3. They didn't give us a basis. Delay for what? I'm not sure. We don't understand.

**Marge Vincent, representing Project Sponsor**

1. The request for continuance came in under the pretense of request a meeting with the project sponsor.
2. Showed the Commission 10 copies of letters sent to the Carpenters Union by Mr. Nunemacher, the last of which was, "...I have written two letters regarding the Union Hall building with no response." This was dated July 18, 2005 "We have to assume that the building is not available at this time and have decided to proceed with our project in its current form.
3. That was on July 18th. I believe if Mr. Mulligan had some questions or issues related to the project in its current form he would have contacted us before September 10<sup>th</sup>, given that this hearing has been posted. Everyone is aware of it. We were not contacted. I believe this is very much a delay tactic.

**Patrick Mulligan, Financial Secretary for Carpenters Local 22**

1. It is his understanding that the Project Sponsor and the Union have met about three times.
2. We are a complicated bureaucracy, but he is the only individual authorized to speak on behalf of the Local's assets.
3. They spoke to the organizing department specific to construction issues—regarding whether union or non-union.
4. They set up one meeting with me as Marge Vincent's letter stated to make an overture towards acquiring our parcel. Unfortunately, it's not for sale.
5. It's my understanding that it is incumbent upon the developer to set up a report with the neighbors and make a presentation of the project. At no time, in any of these discussions were there any design options discussed. They never showed us a set of plans. It was strictly they met at the request of our organizing department to speak with them regarding construction issues. Then they set up a meeting with me to make an offer on our property. Unfortunately, it wasn't for sale. At that time I assumed they were looking for some other sort of development. But at no time have they ever met with us concerning design options. Even though they have tried to put a spin on this.
6. The Carpenters Union has been in the Central Waterfront of this city nearly a hundred years. We chartered 125 years ago and we've been acting as a non-profit in the city for most of that time.
7. The size and scope of this project would severely impact our ability to perform our function of securing employment and providing job training to our members.
8. We are currently already almost displaced from other development in the area to the point where we can't hold our monthly meetings at that location.
9. It would be in the best interest for the community, and certainly our 4,000 members if we could speak to the developer concerning design options.

ACTION: Without hearing the case itself, the item was continued to 9/22/05.

AYES: S. Lee, Alexander, Hughes, Antonini, W. Lee

NAYES: Bradford-Bell

ABSENT: Olague

**E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**



At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: None

# 1. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

9. 2005.0185D (M. WOODS:  
(415) 558-6315)

1865 CLAY STREET - south side between Franklin Street and Van Ness Avenue; Lot 008 in Assessor's Block 0623 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2004.11.17.9505S, proposing to convert the building's authorized use from eight dwelling units to six dwelling units in an RM-3 (Residential, Mixed, Medium Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications, specifically, maintaining the ground floor two-bedroom unit and eliminating the second floor studio/guest room unit.

(Continued from Regular Meeting of July 14, 2005)

**NOTE: On July 14, 2005, following public testimony, the Commission closed public hearing and entertained a motion to take Discretionary Review and allow conversion of the guest room to an occupiable legal dwelling. With a vote of +3 -3, the motion failed. Continued to September 15, 2005 by a vote +6 -0. Commissioner Bradford-Bell was absent.**

SPEAKERS: None

ACTION: Did not take Discretionary Review and approve

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W.

Lee

ABSENT: Olague

## G. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

10a. 2004.0920EXV (J.  
MILLER: (415) 558-6344)

973 MARKET STREET - south side between Fifth and Sixth Streets, through to Stevenson Street, Lot 69 in Assessor's Block 3704, - **Review**



**Under Planning Code Section 309 and request for Exceptions,** pursuant to a building permit application to convert a vacant commercial building to approximately 67 dwelling units. The ground floor and mezzanine level will retain their retail use. No exterior modifications to the Market Street facade are proposed as part of this permit. The project requires an Exception to the Code standards for rear-yard area, and will be the subject of a concurrent Variance Hearing before the Zoning Administrator. The site is in a C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District.  
Preliminary recommendation: Approval with conditions

**SPEAKERS:** None  
**ACTION:** Approved  
**AYES:** S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
**ABSENT:** Olague

10b. 2004.0920EXV (J.  
MILLER: (415) 558-6344)

**973 MARKET STREET** - south side between Fifth and Sixth Streets, through to Stevenson Street, Lot 69 in Assessor's Block 3704 - **Request for Variances** of the Planning Code standards for dwelling-unit exposure and off-street parking in conjunction with the review of the conversion of a vacant commercial building to approximately 67 dwelling units. The project would provide no off-street parking in the existing historic building, where 17 spaces would be required. Thirty-six of the dwelling units would face a large new interior light court that does not meet dimensional requirements of Section 140. The site is in a C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District

**ZONING ADMINISTRATOR CLOSED PUBLIC HEARING AND GRANTED THE VARIANCE.**

#### H. REGULAR CALENDAR

11. 2003.0169ECV (M. SNYDER:  
(415) 575-6891)  
**385-399 FREMONT STREET - Information Presentation on proposed project design.** The proposed project is a 250-foot-tall, 25-story residential building of approximately 370,000 gross square feet (gsf) consisting of 195 dwelling units and about 195 underground parking spaces. The project site is located at the northeast corner of Harrison and Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from a lobby facing Fremont Street. The site is subject to the Rincon Hill SUD RC-4 (Residential/Commercial High-Density) district controls, and a 250-R height/bulk district. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District, and within an 85/400-R height and bulk district.

**SPEAKERS:**  
**[Ralph Markazie], project sponsor**

1. Gave the Commission a brief overview of the project.
2. Indicated that he was in support of the project at 375 Fremont St.
3. The archdiocese is firmly in the position of trying to promote housing stock and the creation of jobs.

**Lu Blazej**

1. Our project is code compliant with all the requirements of the 2000 Rincon Hill Plan, with the exception of tower separation.

**Clark Manus, Architect**

1. Gave an overall description of the project's design.

**Robert McCarthy, representing Project Sponsor of 375 Fremont St.**

1. We support the archdiocese. We support their project as proposed in their CU application. We support their proposal with regard to reorienting the building around Harrison Street. We support them and we will always support them.
2. We have never endeavored to try to redesign their building. We asked the same courtesy from Mr. Manus. Which means that when he answered the question saying that we will get all the same units and all these alternatives, we respectfully disagree.
3. We respectfully disagree with the staff alternative for 375 Fremont. It does not preserve the same number of units.
4. We applaud the archdiocese for its effort to be flexible and try to accommodate some of the issues regarding tower separation.

ACTION: Informational Only. No Action

12. 2002.0449E (T. CHAN:  
(415) 558-5982)  
**375 FREMONT STREET - Certification of a Final Environmental Impact Report.** Subsequent to the publication of the Draft EIR, the project sponsor identified a new preferred alternative similar to Alternative B presented in the Draft EIR. The preferred project, called Alternative D, is a 250-foot-tall, 28-story residential building of approximately 349,071 gross square feet (gsf) consisting of 225 dwelling units and about 217 underground parking spaces. One existing two-story building on the site which totals approximately 46,500 gross square feet would be demolished. The 375 Fremont Street Hill Building, constructed in 1929, is a listed in four local surveys containing buildings that could be considered historic resources. The project site is located about mid-block on the eastern side of Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from a lobby facing Fremont Street. The site is within the RC-4 (Residential/Commercial High-Density) district, and a 250-R height/bulk district. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District, which is awaiting final adoption by the Board of Supervisors. Should the Board of Supervisors adopt the propose Rincon Hill DTR, the proposed project would be in the new 85/400-R height and bulk district.

**Preliminary Recommendation: Certify the Final Environmental Impact Report. Note: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 6, 2005. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.**

(Continued from Regular Meeting of September 1, 2005)

SPEAKERS: None  
 ACTION: Continued to October 6, 2005.  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Olague

13. 2002.0449C (M. SNYDER:  
 (415) 575-6891)  
 375 FREMONT STREET - east side between Folsom Street and Harrison Street, Lot 006 in Assessor's Block 3747 - **Request for Conditional Use authorization** to allow for the construction of a residential project that would include approximately 225 dwelling units, 217 non-independently off-street parking spaces, two off-street loading spaces, in a structure that would be 250-feet tall and 28-stories. Conditional Use is required pursuant to Planning Code Section 253 for the construction of a structure greater than 40-feet in a Residential District, and pursuant to Planning Code Section 249.1(b)(1)(B) for the construction of a project that would have full lot coverage on a sloping lot in the Rincon Hill Special Use District. The project is being considered under the Planning Code Section 249.1, the Rincon Hill Special Use District, rather than the recently adopted new zoning controls for the Rincon Hill area as outlined in Planning Code Sections 827 and 309.1. Planning Code Section 175.7 allows the subject lot to pursue entitlements under the zoning controls in effect prior to the adoption of the zoning amendments implementing the Rincon Hill DTR District. Under the previous controls, the subject lot was in an RC-4 (Residential Commercial Mixed High Density) District, the Rincon Hill Special Use District, and a 250-R Height and Bulk District. Under the new adopted zoning, the project site is within the Rincon Hill DTR (Downtown Residential District), and a 400-R Height and Bulk District. Preliminary Recommendation: Approval with modifications.  
**FOR SPEAKERS, ACTION, AND VOTE, SEE ADDENDUM**

**ITEMS #14 & 15 WERE TAKEN OUT OF ORDER AND HEARD AFTER ITEM**

#10

14. 2005.0256T (P. LORD:  
 (415) 558-6311)  
SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
RESIDENTIAL CONVERSION TO OTHER INSTITUTION -  
**Consideration of an Ordinance amending San Francisco Planning Code by amending Section 724.1 to allow for conversion of upper floor residential units in the Sacramento Street Neighborhood Commercial District as a conditional use**, where: the new use will be an Other Institution, Educational Service use, only one dwelling unit in building will be converted, and that unit is the only non-residential use in the building, and no legally residing tenant will be displaced; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
 Preliminary Recommendation: Approval  
 (Continued from Regular Meeting of September 8, 2005)

SPEAKERS:  
**No name stated**

1. We have full support from the community.
2. Asked the Commission to approve this application.

**Harry O'Brien, counsel for University High School**

1. There is a proposed limit on the enrollment of the summer program. It is a higher limit than the school has ever had in the actual enrollment.
2. The summer program averages about 100. The cap is 110.
3. The regular school year enrollment program is about double that.
4. The school is comfortable that this cap would not affect their ability to operate the summer program

ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Olague  
 MOTION: 17101

15. 2004.1166C (M. WOODS:  
 (415) 558-6315)

3220 SACRAMENTO STREET - north side between Lyon Street and Presidio Avenue; Lot 008, in Assessor's Block 1007 - **Request for Conditional Use authorization** under Planning Code Sections 121.1, 121.2, 303, 724.11, 724.21, 724.38 and 724.81 to modify an existing Conditional Use authorization for a Planned Unit Development under Motion No. 13578 (for Case No. 1992.498C at 3065 Jackson Street) for the expansion of an Other Institution (Large), Educational Service use (San Francisco University High School Annex Campus) at 3220 Sacramento Street; to allow an Other Institution (Large) use on the second and third floors; to allow a non-residential use size that exceeds 2,500 square feet, and on a lot that exceeds 5,000 square feet in area. The site is within the Sacramento Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of September 8, 2005)

SPEAKERS: Same as Item #14.  
 ACTION: Approved  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Olague  
 MOTION: 17102

16. 2005.0527D (G. CABREROS:  
 (415) 558-6169)

1847 SCOTT STREET - west side between Pine and Bush Streets; Lot 003 in Assessor's Block 1050 - **Request for Discretionary Review** of Building Permit Application No. 2003.09.17.5059, proposing to add two stories to an existing two-story, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the application as revised

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None  
 ACTION: Without hearing, continued to 10/6/05.  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, W. Lee  
 ABSENT: Alexander and Olague

17. 2005.0224D  
 (S. VELLVE: (415) 558-6263)

1615 FULTON AVENUE - south side between Central Avenue and Lyon Street, Lot 036 in Assessor's Block 1185 - **Mandatory**



**Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2005.02.02.4568 proposing to legalize the conversion of the building's authorized use from four dwelling units to two dwelling units in an RH-3 (House, Three-Family) District, and 40-X Height/Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the permit.

SPEAKERS: None  
 ACTION: Did not take Discretionary Review and approved.  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell  
 NAYES: Hughes  
 ABSENT: W. Lee and Olague

18. 2002.0401DV (M. SNYDER:  
 (415) 575-6891)  
 1740 20<sup>TH</sup> STREET - northeast corner of 20<sup>th</sup> Street and Wisconsin Street, lot 018 in Assessor's Block 4069 - **Request for Discretionary Review** of Building Permit Application No. 2002.12.26.4213 proposing to construct a one-story vertical addition and a rear horizontal addition. The property is within an RH-2 (House, Two-family) District, and a 40-X Height and Bulk District.  
 Preliminary Recommendation: Do Not Take Discretionary Review and approve the project as proposed.

**DISCRETIONARY REVIEW APPLICATION WITHDRAWN**

***NOTE: Items 19, 20 and 21 were called and heard together.***

19. 2005.0664ET  
 (D. SIDER: (415) 558-6097)  
**MEDICAL CANNABIS DISPENSARY REGULATIONS INTRODUCED BY SUPERVISOR MIRKARIMI UNDER BOARD FILE NO. 051250 - Consideration of an Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers and institutions for the treatment of addictive diseases; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require dispensaries operating before April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operation; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan; amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical marijuana possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries; and set out the administrative process for imposing penalties and/or permit suspension**



or revocation for violations; amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at \$100; and, amending the San Francisco Business and Tax Regulations Code by amending Section 1, and by adding Sections 1.177 and 249.17, to authorize the Department of Health to issue medical cannabis dispensary permits and to set out the license fees for medical cannabis dispensaries.

**SPEAKERS:**

**Supervisor Ross Mirkarimi, District 5**

1. What motivated him to move on this issue is that he has been an strong advocate for the decriminalization of marijuana.
2. He has been involved in advocating for Medical Cannabis to become a legitimate institution within San Francisco.
3. Proud of the fact that California has showed the rest of the country, the ability and the need of course, to reconcile the very schizophrenic and often negative attitudes toward marijuana by acknowledging the fact that in light of the Aids crisis on the '80s and '90s were tens of thousands of lives were claimed, many of them here in San Francisco, and those who suffer from other illnesses, that we needed to express some response. We needed to take care of the health strategy that is has not been considered by allowance in the administration of medical cannabis.
4. The club dispensaries have increased considerably, and this is a good thing.
5. What is before you today is a composite. It is a composite of people who have chimed in from all facets of life. It is patient driven.
6. This is also sensitive to neighborhoods as well so we can alleviate the tension that is between patients and neighborhoods. And the government steps up to the plate and help to regulate a main stream, what is really considered a very prevailing practice.

**Supervisor Sean Elsbernd**

1. Appreciated all recommendations that the Planning staff have made in relation to Supervisor Mirkarimi's Legislation. Supervisor Mirkarimi said they are really the foundation of what he has done and would like to urge the Commission to approve those recommendations.
2. What we have before us is an issue that is completely noble and very unique.
3. We had to do these moratoriums because we did not have any idea what was going on.
4. The staff's point that the foundation of this legislation is patient care and health care is absolutely true.
5. What was the motivation behind the legislation? No just for him, but, he also believes as much for Supervisors Mirkarimi and Sandoval, it was the neighborhood revolt. There was a lot of crying out for land use control.
6. As much as medical cannabis is a patient issue, what really motivated the discussion on this were land use issues.
7. After all these permits go through the process we would have to stop and see how it works. Not just for the patient communities, but also for the neighborhoods. Are these regulations adequate?

**Joseph Trun, Legislative aide to Supervisor Sandoval**

1. Asked the Commission, on Supervisor Sandoval's behalf, to consider forwarding his amended legislation to the Board without recommendations just as planning department staff recommended for Supervisor Elsbernd.

### **Karen Woodson**

1. One of the things that is important to bring to light is that some of the comments to some extent are true.
2. Yesterday, there was a press conference held about polling. The most recent polling indicates to a large extent that San Franciscan supports the Medical Cannabis Dispensaries and its regulations.
3. What we are hearing--this crying out--is very a vocal minority. A lot of the reasons why they are crying out loud have to do with the fact that there has been an absence of regulations up until now. And I think the point of going through this proposal process and the Planning Commission taking some land use issues under consideration is important.
4. Deeply concerned about the restrictions placed on proximity of other medical cannabis dispensaries and the so called, anti-clustering rules.
5. These dispensaries are clustered together because they are near public transportation. It makes sense for patients that are suffering from a variety of debilitating diseases.

### **Catherine Smith**

1. Rules can be good but they have got to be fair and done in a democratic way.
2. We need to clarify the definition of "existing." Is it when you lease your location? When you started your business license?
3. Another thing that she would like clarified is the term "grandfathered." You the Planning Commission did not plan on how you determine who is grandfathered and who is not.
4. Why, for some reason, have you decided not to have the dispensaries clustered? I do not understand why?
5. If you are going to do that, how are you going to close or move the dispensaries? How are you going to figure what is fair, what is democratic? How much time you going to give them? Where are you going to move them?
6. You said, the Health Department is going to handle this, but you do know say how?

### **Tony Bowles**

1. Supports Supervisor's Mirkarimi's legislation.
2. Clustering the medical dispensaries does not pose an adverse effect on the community. Rather, it will provide greater access for patients and resolve an increase in competition among dispensaries, which will keep prices low and promote better patient services.
3. On site consumption: patients as well as staff must be able to medicate in a safe place. Many patients cannot smoke at home.
4. A recent poll was just released reporting that 75% of San Franciscans agreed with the State that patients should smoke at dispensaries if the facility is properly ventilated.
5. Medical cannabis dispensaries are not open to the general public. They impose little or not threat to the public and our children, playground or drug treatment facilities.
6. In fact, they provide the patient with a safe, confined place to consume medicine and they keep patients off the street.

### **Alex Franco**

1. I would like to ask the Commission what is the message that we are sending to our children when we put these arbitrary restrictions on medical cannabis patients? Are we saying, we do not care about the sick? That we do not feel

compassion for those who can't move? Are we saying this a moral agenda? Yes, this is a moral agenda. Do you really opposed medical cannabis? Why is my medicine a danger to children?

**Mira Ingram**

1. It is crucial that on-site consumption is allowed at the dispensaries. Otherwise patients will be forced to use their medicine in public, which is the thing that you are trying to prevent.

**Jonathan Beaver**

1. It is very important that you take out the drug rehab clause in the proposal because all of our facilities support harm reduction.
2. Cannabis has been used as a harm reduction tool for thousand of years.

**Patrick Goggin**

1. In favor of proposed legislation with amendments.

**Emily Scott-Textler**

1. A dispensary is a community center as well as a safe place for patients to access medicine.
2. We are supporting patient access to medicine. We must be careful throughout this process to not hinder that which we seek to protect.
3. In order to avoid this we must bare in mind the true nature of dispensary use and create an infrastructure which cultivate and support the dispensary's ability to have a positive impact on patients, neighborhoods and wider communities.

**Rob Simmons**

1. In favor of the legislation.

**Shona Gochenaur**

1. In favor of the legislation.

**Blair Moser**

1. Supporter of medical marijuana.
2. There are a lot people that come to this dispensary from other neighborhoods.
3. This drug trafficking endangers not only the public safety, but also patients--local patients who depend on NCD for their supplies of medical marijuana.
4. Supervisor Mirkarimi's anti-clustering is excellent.
5. We think that the product should be made available to patients across the City, conveniently in their neighborhoods, rather than in dense corridors, as is presently the case.
6. Hope you consider the need of our neighborhood--the elders and the school children in our neighborhood.

**Mary Louise Beecroft**

1. Would like to request that zoning absolutely prohibit these uses in the NCD

districts.

**Robyn Few**

1. In support of the legislation.

**Michael R. Aldrich**

1. There is a need for clustering because these are in the main area where cannabis dispensaries can meet the 1000-foot requirement.
2. On site consumption is necessary in all NCDs to keep patients off the street, keep it out of the parks, and away from the playgrounds.
3. If you do outlaw smoking in NCDs that are less than 1000 feet from schools, you will have the affect of putting it in the school yards and in the playgrounds because they [patients] can not smoke in a safe environment where they would not have to be harassed by the police or by anybody else for that matter.

**Michelle Aldrich**

1. Normally, when you set zoning rules in the City, you are dealing with legal enterprises. Under federal laws, the NCDs are illegal.
2. If we limit the area where this NCD is located, we are falling under the traps set by the Federal Government that says there is no medical use for marijuana.
3. The Citizens of San Francisco believe otherwise. Medical cannabis is accepted by 95% of the city.

**Charles Moser**

1. Asked the Commission to revoke a permit or relocate the cannabis to a non NC-1 zone.

**Sonjia Miles**

1. In favor of the clubs. They are a good thing.
2. The 1000-foot rule will be un-justice to the medical cannabis community.
3. The land use issues must not hamper us from using our medicine for health and safety.

**Charley Pappas**

1. In support of Mirkarimi's legislation.

**Melinda Bishop**

1. 1000 feet restriction is unnecessary.
2. These patients need a safe environment.

**Albert Sandoval**

1. Supports Mirkarimi's legislation.

**Percy Coleman**

1. In support of the Mirkarimi legislation.



**Marilyn Amini**

1. Requested that the Commission continue this item because there was not proper notification; the environmental review impact report of the sites is inadequate; and there also should be special land use classifications. This is a very significant use.

ACTION: Approved as amended:

1. Eliminate the requirement relating to "community clubhouse[s], neighborhood center[s], or other community cultural center[s]." Defining and listing such facilities with fairness, accuracy, and/or consistency is not possible. Moreover, the merit of this requirement is debatable in light of the broad spectrum of uses and types of community facilities.
2. Add a requirement to prohibit MCD's within 500 feet (or 1,000 feet if smoking is offered on-site) of children's playgrounds operated by the Recreation and Parks Department. MCD's have potential negative externalities of a type that should not be allowed to impact children's play areas. To implement this requirement, the Recreation and Park Department should provide the Planning Department with a list of such facilities at regular intervals not less than once each calendar year.
3. Allow operation only between 8am and 10pm, excepting one MCD per district which should be allowed to remain open at all hours. Operation of multiple dispensaries beyond these base hours could create conflict with nearby land uses and prevailing neighborhood character. Moreover, these hours are typical of many conventional pharmacies. An MCD is intended to serve a public health need; late-night operation has the undesirable effect of rendering a facility more comparable to a nighttime-entertainment establishment than a medical outlet. Reasonable patient access to medical cannabis has been anticipated by the drafters of Proposition 215 in the form of designated caregivers. Should a patient not be able to procure his or her medicine within the proscribed hours of operation, a caregiver has the ability to obtain his or her patient's medicine on his or her behalf. Nonetheless, the allowance for a single facility to remain open at all hours account for unforeseen and/or emergency situations under which medical product is required without any delay.
4. Allow applications to be received only during a one-time-only filing period. DPH should be allowed to receive MCD permit applications only during a 180-day filing window, which would commence upon the effective date of the legislation. Thereafter, DPH would be required to submit a yearly report to the Board of



Supervisors describing the overall adequacy of the City's medical cannabis services. Should the Board so choose, it would then have the option of pursuing legislative measures to reopen the application period. This modification is based on the premise set forth in Supervisor Elsbernd's similar legislation (introduced under Board File Number 051455).

5. Encourage appropriate Planning Staff levels. Advise the Board to explore authorizing the Department to retain a temporary staff-person trained in Geographic Information Systems (GIS) who can aid the Department in assembling a proximity based mapping system so that MCD applications can be quickly and efficiently processed in the great numbers expected.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell

ABSENT: W. Lee, Hughes, and Olague

RESOLUTION: 17103

20. 2005.0665ET:

(D. SIDER: (415) 558-6097)

**MEDICAL CANNABIS DISPENSARY REGULATIONS INTRODUCED BY SUPERVISOR SANDOVAL UNDER BOARD FILE NO. 051260 - Consideration of an Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 303, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; permit dispensaries as conditional uses elsewhere subject to the restriction that no dispensary may be located within 1000 feet of another dispensary; provide additional conditional use criteria for evaluating proposed dispensaries relating to the proposed dispensary's proximity to schools, playgrounds, neighborhood centers, drug treatment centers, child care centers, and other medical cannabis dispensaries; allow medical cannabis dispensaries in operation prior to April 1, 2005 twelve months from the effective date of this legislation to obtain a conditional use permit or otherwise discontinue operation; prohibit dispensaries from applying for conditional use permits while they are under a notice of violation from the Planning Department or the subject of legal action by the City; require a notice on all dispensary permits that the permits are not intended to and do not authorize the violation of State or Federal law; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.**

SPEAKERS: Same as Item #19.

ACTION: The Commission did not take a position.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell

ABSENT: W. Lee, Hughes, and Olague

RESOLUTION: 17104

21. 2005.0772ET

(D. SIDER:

(415) 558-6097)

**MEDICAL CANNABIS DISPENSARY REGULATIONS INTRODUCED BY SUPERVISOR ELSBERND UNDER BOARD FILE NO. 051455- Consideration of an Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728,**

729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to other dispensaries, schools, community centers and institutions for the treatment of addictive diseases; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require dispensaries operating before April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operation; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan; amending the San Francisco Health Code by adding Sections 3200 through 3220, to: set medical marijuana possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; limit the time period for submitting applications for medical cannabis dispensary permits; require an annual report from the Director of Public Health to the Board of Supervisors; set out operating requirements for medical cannabis dispensaries; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations; amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at \$100; and, amending the San Francisco Business and Tax Regulations Code by amending Section 1, and by adding Sections 1.177 and 249.17, to authorize the Department of Health to issue medical cannabis dispensary permits and to set out the license fees for medical cannabis dispensaries.

SPEAKERS: Same as Item #19.

ACTION: The Commission did not take a position.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell

ABSENT: W. Lee, Hughes, and Olague

RESOLUTION: 17105

22. 2004.0546CE  
(415) 558-5975)

(J. NAVARRETE:

**680 ILLINOIS STREET - Appeal of a Preliminary Mitigated Negative Declaration.** On Lots 3 and 7 of Block 3994, the project would demolish two concrete warehouse/garage structures at 680 Illinois Street and 550 18th Street and construct one 50-foot tall building consisting of 35 dwelling units, 9,128 square feet of retail/commercial space, and about 35 off-street parking spaces. The project would include 74,012 square feet in five-stories, and four commercial spaces on the ground floor. The 50,966-sf residential uses would have open space provided through a second story deck. The 10,580 sf parking garage would be at the ground floor and accessed from Illinois Street. The two warehouse structures located at 680 Illinois Street (or 2075 Third Street) and 550 18th Street are included in the *Central Waterfront Cultural Resource Survey*, the M-2 zoning district, and 50-X height and bulk district.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

SPEAKERS: None

ACTION: Without hearing. Continued to 9/22/05.

AYES: S. Lee, Alexander, Hughes, Antonini, W. Lee

NAYES: Bradford-Bell

ABSENT: Olague

23. 2004.0546C

(B. FU:

(415) 558-6613)

680 ILLINOIS STREET - northwest corner of Illinois and 18<sup>th</sup> Streets, Lots 003 & 007 in Assessor's Block 3994 - **Request for Conditional Use authorization** under Planning Code Sections 215, 303, and 304 to create a new Planned Unit Development (PUD) to allow the construction of up to 35 dwelling units, 7,000 square feet of commercial space, and 41 independently accessible off-street parking spaces within a M-2 (Heavy Industrial) District with a 50-X Height and Bulk designation, and in the Housing/Mixed Use Zone as designated by Planning Commission Resolution No. 16202. Exceptions are requested from density, off-street parking, and permitted obstructions, as mandated by the Planning Code.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None

ACTION: Without hearing. Continued to 9/22/05.

AYES: S. Lee, Alexander, Antonini, Hughes, W. Lee

NAYES: Bradford-Bell

ABSENT: Olague

24. 2005.0565C

(S.YOUNG:

(415) 558-6346)

2110 CLEMENT STREET - north side between 22<sup>nd</sup> and 23<sup>rd</sup> Avenues; Lot 009 in Assessor's Block 1411 - **Request for Conditional Use authorization** under Sections 717.27, 186.1(b) and 303 of the Planning Code to legalize the extension of the hours of operation of an existing nonconforming full-service restaurant ("My Favorite Cafe") from 11 p.m. to 2 a.m. in the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. No exterior modifications will be made to the existing building envelope.

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS:

**Phillip Young, Project Sponsor**

1. Respectfully asked the Commission to approve the conditional use.

**Steven Gee**

1. This café is in violation of hours of operation.
2. Because they are open to 2:00 am and sometimes to 3:00 am, It has become a late night hang out for young people
3. There is a lot of loitering, loud noise, littering and the use of my driveway as a personal parking lot.
4. They have total disregard for the working class people who lives in the area.
5. Degrading the quality of life in our neighborhood is intolerable and not acceptable.
6. On behalf of 30 residents and myself, we urge the Commission to deny this application.

**Veronica Lee**

1. In favor of the café extending their hours of operation from 11:00 p.m. to 2:00 a.m. on the weekends.
2. The café not only serves unique desserts, but also provides a safe and welcoming environment to our customers.

**Wendy Yeung**

1. Asked the Planning Commission to support the café's request to extent their business hours.

**Christina Tam**

1. I support the café's request to extent their hours of operations.

**Katrina Lau**

1. Strongly urged the Commission to approve the application.

**Christine Tour Sarkissian, Attorney for "My Favorite Café"**

1. My client's café has tremendous support from his customers.
2. The project is in conformity with the existing concept within the Outer Clement.

**ACTION:** Public hearing closed. Continued to December 15, 2005, to allow the café operator to comply with the existing conditions.

**AYES:** S. Lee, Alexander, Antonini, Bradford-Bell

**ABSENT:** Hughes, W. Lee, and Olague

25a. 2005.0492CV

(G.

**CABREROS:** (415) 558-6169)

**2461-2463 LOMBARD STREET** - south side between Divisadero and Scott Streets in an NC-3 (Moderate-scale, Neighborhood Commercial) District and a 40-X Height and Bulk District, Lot 024 in Assessor's Block 0937 - **Request for Conditional Use authorization** under Planning Code Sections 161(j) and 303 to reduce the parking requirement for the project where one off-street parking space is required. The proposal is to construct an additional dwelling unit within the ground floor of an existing two-story, one-unit cottage located at the rear of the subject lot. A three-story, two-unit building with a ground-floor commercial space exists at the front of the lot. No building expansion is proposed at either building. The project would result in a total of four dwelling units and one-commercial space at the subject lot.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

**SPEAKERS:**

**Fred Hosfield, representing Project Sponsor**

1. Gave the Commission a brief overview of the project.

**Rene Girerd**

1. Respectfully asked the Commission to approve his application.

**Doris Ann Girerd**

- Spoke in support and asked the Commission to approve the application.

**ACTION:** Conditional use disapproved.



AYES: S. Lee, Alexander, Antonini, Bradford-Bell  
 ABSENT: Hughes, W. Lee, and Olague  
 MOTION: 17097

25b. 2005.0492CV (G.  
 CABREROS: (415) 558-6169)

2461-2463 LOMBARD STREET - south side between Divisadero and Scott Streets, Lot 024 in Assessor's Block 0937 - **Request for rear yard, open space, dwelling unit exposure and non-complying structure variances** from Planning Code Sections 134, 135, 140 and 188 to construct an additional dwelling unit within the ground floor of an existing two-story, one-unit cottage at the rear of the subject lot located in an NC-3 (Moderate-scale, Neighborhood Commercial) District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: Same as those listed for item 25a

ACTION: Zoning Administrator closed public hearing and has taken the matter under advisement.

## 5:00 P.M.

26. 2005.0524T (S.  
 DENNIS: (415) 558-6314)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS - Consideration of an ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process" by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas.

Preliminary Recommendation: Approve with Modifications

**NOTE: On August 4, 2005, following public testimony, the commission president directed that this item be calendared for discussion at all commission hearings through September 15, 2005 with possible action on September 15, 2005.**

### SPEAKERS ON THE REQUEST FOR CONTINUANCE ONLY:

No name stated

1. In favor of continuance.

**Marilyn Amini**

1. In favor of continuance.

**Kathy DeVicenzi**

1. In favor of continuance.

**Judy Berkowitz**

1. In favor of continuance.



**Peter Cohen**

1. In favor of continuance.

**No name stated**

1. Thanked the Commission for continuing this item.

**George Williams**

1. We have been criticized for the legislation changing. We went through a very scrutinized review with staff to work out things they saw that we did not see. They saw with the eyes of how it will be implemented.
2. Just realized today that the new version of the legislation contains a lot of changes.
3. These changes were in response to the workshop we held at the public library, the many public hearing we have had before you, and from some of your comments.

ACTION: Continued to October 6, 2005. The public hearing remains open.

AYES: S. Lee, Alexander, Antonini, Bradford-Bell

ABSENT: Hughes, W. Lee, and Olague

**I. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**11: 15 P.M.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, FEBRUARY 23, 2006.**

<b>SPEAKERS</b>	None
<b>ACTION:</b>	Approved
<b>AYES:</b>	S. Lee; M. Antonini; Bradford-Bell; K. Hughes
<b>EXCUSED:</b>	C. Olague
<b>ABSENT:</b>	D. Alexander W. Lee





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*City and County of San Francisco*  
**Planning Department**

September 15, 2005 (addendum minutes)

# ADDENDUM

## SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

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**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, September 15, 2005  
1:30 PM  
Regular Meeting**

President: Sue Lee

Vice-President: Dwight S. Alexander

Commissioners: Michael J. Antonini; Shelley Bradford Bell; Kevin Hughes; William L. Lee;  
Christina Olague

Commission Secretary: Linda D. Avery

### H. REGULAR CALENDAR

13a. 2002.0449CV (M. SNYDER: (415)  
575-6891)

**375 FREMONT STREET** - east side between Folsom Street and Harrison Street, Lot 006 in Assessor's Block 3747 - **Request for Conditional Use authorization** to allow for the construction of a residential project that would include approximately 225 dwelling units, 217 non-independently off-street parking spaces, two off-street loading spaces, in a structure that would be 250-feet tall and 28-stories. Conditional Use is required pursuant to Planning Code Section 253 for the construction of a structure greater than 40-feet in a Residential District, and pursuant to Planning Code Section 249.1(b)(1)(B) for the construction of a project that would have full lot coverage on a sloping lot in the Rincon Hill Special Use District. The project is being considered under the Planning Code Section 249.1, the Rincon Hill Special Use District, rather than the recently adopted new zoning controls for the Rincon Hill area as outlined in Planning Code Sections 827 and 309.1. Planning Code Section 175.7 allows the subject lot to pursue entitlements under the zoning controls in effect prior to the adoption of the zoning amendments implementing the Rincon Hill DTR District. Under the previous controls, the subject lot was in an RC-4

(Residential Commercial Mixed High Density) District, the Rincon Hill Special Use District, and a 250-R Height and Bulk District. Under the new adopted zoning, the project site is within the Rincon Hill DTR (Downtown Residential District), and a 400-R Height and Bulk District. Preliminary Recommendation: Approval with modifications.

**SPEAKERS:**

**Robert McCarthy, representing Project Sponsor**

1. This plan has major goals, and this project fulfills them all.
2. The first and foremost goal is to maximize housing.
3. We have 225 units at this site.
4. To provide for affordable housing, we will write a check to the Mayor's Office for \$6,000,000.
5. The plan says, we need affordable family housing. 43% of our units are two and three bedroom units--88-two bedrooms and 8-three bedrooms.
6. We've got to improve this neighborhood. It is fill by warehouses. We need to make it look like a residential neighborhood.
7. We are widening the sidewalks and planting trees at our own expense.
8. We're going to make a \$5,550,000 contribution for the infrastructure.
9. This contribution is going to advance some of the more important goals of this plan, it will rehabilitate some structures, it will restore a historical landmark, and we will build a park for the kids.

**Allison Pool, Architect for 375 Fremont Street**

1. Gave an overall description of the project

**Theodore Brown**

1. Asked Commission to show their of confidence in the residential project at 375 Fremont St. with an approval
2. It has been a long, difficult and expensive process. Without your support, the Rincon Hill fees and affordable housing will not happen in the City.

**Debra Stein**

1. Having tower separation is not an objective of the Rincon Hill Plan.
2. Rincon Hill Plan calls for slender, elegant towers like 399 and 375 Fremont with light, and air and openness.
3. 375 Fremont fulfills the goal for light, air and openness.
4. Staff indicated that the reason we need an additional separation is to avoid creating a high-rise canyon.

**Elan Drucker, Planner, GCA Strategies**

1. Spoke about the staff recommended design and the adverse design in housing.

**Bob Myers**

1. Strongly opposed to the staff scheme to turn our tower 90 degrees.
2. Urged the Commission to reject the staff recommendation and approve the project as designed.



### **Gregg Miller**

1. Respectfully asked the Commission to approve the project at 375 Fremont Street because this project satisfied all the factors required to be satisfied under the bulk exemptions and findings pursuant to Planning Code Section 271c.

### **Robert Herr**

1. If you were to realign the building as the staff has proposed it, you would deteriorate the resident's quality of life for no reason. Their open space is just directly right-- adjacent to our eastern property line.

### **Norma Osgood**

1. This project deserves your consideration because it provides much needed community benefits.
2. The project helps to alleviate the City's housing crunch, with 225 units of new quality housing.
3. The project provides 27 affordable housing units if they are built on site, 38 if they are built off-site.
4. The schools will benefit, by getting over \$100,000 dollars, and if you read the paper everyday, you will realize the needs of our schools.
5. Annual Property taxes will rise by \$5,000,000.
6. Hundreds of new jobs will be created.

### **Joel Goodrich**

1. Concerned about the ceiling heights for 375 Fremont.
2. Staff raised the idea that some units should be eliminated from the 375 Fremont Street Project so there will be more luxury ceiling height.
3. In fact there already are several buildings with high ceilings in the area. For example, the Golden Gateway, has 12-foot high living room ceilings.

### **John Ritchie**

1. Asked the Commission to approve the conditional use for 375 Fremont St.

### **Jeanne Corfu**

1. Urged the Commission to approve this project as proposed.

### **Ernestine Weiss**

1. This project is a new kid on the block in the Rincon Hill. It blends perfectly, and synchronizes with the rest of the building in the area.

### **Mike Milstein**

1. We in San Francisco definitely need the housing and the revenues that this project will bring.

### **Gloria Hartman**

1. The City is in a housing crisis. We need many new housing units as soon as possible without unnecessary delays because of the planning process.

**Heide Vandoren Detz**

1. This is a well designed, well thought out residential project that will benefit the community for all of the reasons already stated here.

**Brendan Dunnigan, HKS Architects**

1. This project at street scale is the right solution.
2. There has been a lot of time spent between this project architect and planning staff to develop a more friendly, softer disposition to the neighborhood.

**Bella Farrow**

1. Spoke in favor of the project.

**Pedro Rocha, HKS Architects**

1. In support of the original proposal and believes this project responds to a variety of design needs.

**Tim O'Brien**

1. Supports the project.

**Eleanor Killebrew Braun**

1. Supports this project.

**Claudia Latchman**

1. Is in favor of the project.

**Manny Flores, Local 22**

1. Would like to see the project that is proposed today, be approved.

**Kim Lum**

1. Asked the Commission to approve the project as submitted.

**Jim Madden**

1. This is another project that will make San Francisco greater that it is.

**Reed H. Bement**

1. I do not believe that the goal should be to cram as many units as possible into the limited area on Rincon Hill.
2. The goal should be to create a livable neighborhood.

**William H. Smith**

1. Spoke in favor of the project.

**Ed Osgood**

1. Asked the Commission to expedite the process of approving this project.

**Sheryl Sensenig, Local 22**

1. Urged the commission to approve this project

**John Mullan**

1. By denying this project to pass, you will deny the dream to own a home in San Francisco to a lot of people.

**Jim Salinas, Sr.**

1. This project will create jobs and revenue to the City.
2. Urged the Commission to approve this project.

**Luis Sanchez, Local 22**

1. Asked the Commission to approve this project.
2. This project will bring quality housing to San Francisco.

**Hector Cardenas, Local 22**

1. Please, approve the project.

**Patrick J. McGaraghan, Attorney for the Archdiocese**

1. Endorsed the project at 375 Fremont St.

**ACTION:** Meeting held. Continued to

October 6, 2005. Public hearing remains open.

**AYES:** S. Lee, Antonini, Bradford-Bell, Hughes

**NAYES:** Alexander

**ABSENT:** W. Lee and Olague

13b. 2002.0449CV  
575-6891)

(M. SNYDER: (415)

**375 FREMONT STREET** - east side between Folsom Street and Harrison Street, Lot 006 in Assessor's Block 3747 - **Request for Parking, Loading, and upper floor setback variances** to allow for the construction of a residential project that would include approximately 225 dwelling units, 217 non-independently off-street parking spaces, two off-street loading spaces, in a structure that would be 250-feet tall and 28-stories. Pursuant to Planning Code Section 151 and 249.1(c)(3), one parking space is required for each dwelling unit; the proposal only includes up to 217 parking spaces (193 independently accessible, and 24 tandem). Pursuant to Planning Code

Section 249.1(c)(3), 50-percent of the frontage is required to be setback by 25-feet at a height of 50-feet; the proposal does not include such a setback. Pursuant to Planning Code Section 152 and 155, the project is required to include two independently access off-street loading spaces; one of the proposed two loading spaces would not be independently accessible. The project is being considered under the Planning Code Section 249.1, the Rincon Hill Special Use District, rather than the recently adopted new zoning controls for the Rincon Hill area as outlined in Planning Code Sections 827 and 309.1. Planning Code Section 175.7 allows the subject lot to pursue entitlements under the zoning controls in effect prior to the adoption of the zoning amendments implementing the Rincon Hill DTR District. Under the previous controls, the subject lot was in an RC-4 (Residential Commercial Mixed High Density) District, the Rincon Hill Special Use District, and a 250-R Height and Bulk District. Under the new adopted zoning, the project site is within the Rincon Hill DTR (Downtown Residential District), and a 400-R Height and Bulk District.

SPEAKERS: Same as Item 13a.

ACTION: The Zoning Administrator continued this item to October 6, 2005. Public hearing remains open.

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, FEBRUARY 23, 2006.**

SPEAKERS: None

ACTION: Approved

AYES: S. Lee; M. Antonini; Bradford-Bell; K. Hughes

EXCUSED: C. Olague

ABSENT: D. Alexander W. Lee



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*City and County of San Francisco*  
**Planning Department**

September 22, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

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## **Meeting Minutes**

**Commission Chambers - Room 400**

**City Hall, 1 Dr. Carlton B. Goodlett Place**

**Thursday, September 22, 2005**

**1:30 PM**

**Regular Meeting**

**COMMISSIONERS PRESENT:** Dwight Alexander; Michael Antonini;  
Shelley Bradford-Bell; Kevin Hughes; Sue  
Lee; Christina Olague; and William Lee

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE  
AT 1:40 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning;  
Larry Badiner – Zoning Administrator; Ben Fu; Sharon  
Young; Michael Li; Daniel Sirois; Michael Smith; Elaine Tope;  
Joy Navarrete; Dan Sider; Jonathan Purvis; Linda Avery –  
Commission Secretary

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.



1. 2003.1108E (V. MASS:  
(415) 558-5955)

450 FREDERICK STREET - Lot 012 of Assessor's Block 1262, bounded by Stanyan, Beulah and Shrader Streets - **Appeal of Preliminary Mitigated Negative Declaration** for the proposed demolition of a single-family residence and construction of a three-unit residence. The existing building is a 1,755-gross-square-foot (gsf) one-story-over-garage, single-family home, constructed in approximately 1897. The proposed project would result in the construction of a 5,550-gsf, four-story, three-unit residential building. The approximately 1,240-gsf ground floor would be used as a garage for the proposed three off-street parking spaces. The remaining three floors would each contain one two-bedroom dwelling unit. The proposed project would rise 40 feet from street level to the top of the parapet. The site is zoned RH-3 (House, Three-Family) and is in a 40-X height and bulk district.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

**(Proposed for continuance to October 27, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W.

Lee

ABSENT: Olague

2. 2004.0916L (M. SNYDER:  
(415) 575-6891)

900 INNES AVENUE - northeast side between Griffith and Winters Point Boulevard. Assessor's Block 4646 and Lot 007 - **Request for Landmark Designation** under Planning Code Sections 1004.1, 1004.2 as City Landmark No. 250. The subject property is within an NC-2 (Neighborhood Commercial - Small Scale) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of September 1, 2005)

**Proposed for indefinite continuance)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, W.

Lee

ABSENT: Olague

3. 2004.1162D (R. CRAWFORD:  
(415) 558-6358)

266-272 CUMBERLAND STREET - north side between Church and Sanchez Streets. Assessor's Block 3600 Lot 076 - **Request for Discretionary Review** of Building Permit Application No.2004 0809 1048 to construct a one story vertical addition to the existing three story building, in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Take Discretionary Review, disapprove the vertical addition and allow interior modifications as proposed.

(Continued from Regular Meeting of August 11, 2005)

**PROJECT SPONSOR WITHDREW THE PERMITAPPLICATION.**

## B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions  
**Commissioner Hughes:**

1. Requested a joint hearing with the Building Inspection Commission, regarding matters of mutual interest, related data management in the MIS system, on-going customer service and ways in which we might review and improve those aspects for both departments and how they interrelate to each other. Also a discussion, regarding the implementation of Better Neighborhoods Plus, and demolitions as it relates to permits that they see regarding alterations.

**Zoning Administrator responded:**

1. He is informed that the Building Inspection Commission would love to meet with the Planning Commission.
2. They are also asking for the same. There are certainly issues of mutual concern.

**Commissioner Secretary responded to Commissioner Hughes request:**

1. A joint hearing will depend on the availability of space, but will try to get it in before the end of this year.

**Commissioner Bradford-Bell:**

1. Requested that the commission reactivate the 10:00 p.m. policy.
2. Our meetings have been running like marathon sessions for the last few meetings.
3. She personally will be instituting her own 10:00 p.m. policy.
4. Our Planning Commission Secretary, who is a phenomenal person and does an incredible amount of work... I had the opportunity to be here with her after our hearing. She has to clean the room after we all leave. She does it by herself. I am letting her know that I will make sure that I do my part to be as helpful as possible and hope that my fellow commissioners and members of public would help us also.

**Commissioner W. Lee:**

1. Requested all fellow Commissioners to work with the staff.
2. Mentioned an e-mail from Sara Vellve regarding her concerns about when the Commission changes the scheduled order of hearings and how that affects/cost staff time, costs the City money, and causes anxiety for the staff when they then can't get here on time.

**Commissioner Antonini:**

1. Fee Study – requested that a copy be distributed to all Commissioners.

## **C. DIRECTOR'S REPORT**

1. Director's Announcements
2. In response to a couple of the commissioner's concerns/delight about spending time with staff into the late hours--there are a couple of things we have been

thinking about and will share those ideas with you in a memo. For instance, there are a variety of different ways of taking public comment on an item, for example. The Board of Permit Appeals stipulates that if you are member of the party that is on appeal you get a certain amount of time (like we give 5 minutes for the discretionary review applicant). Another idea, and I think we implemented it today, is to expand the use of the consent calendar.

3. Announced to the Commission that Dan Sider has been selected to be the Board of Supervisors' liaison.

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BOS:**

1. Two ordinances were reviewed: the Baby Diaper Changing Resolution introduced by Supervisor Sandoval – the ordinance was passed on first reading.
2. Supervisor McGoldrick's changes to the Section 311 of the Planning Code. As the Zoning Administrator mentioned last week, the Board of Supervisors took two of the Planning Commission recommendations and also passed it on first reading.
3. Both items will appear before the Board for final action next week.
4. Three CEQA appeals were scheduled to be heard by the Board. None these were heard.
5. The Quonset hut appeal on 20<sup>th</sup> Street – Appeal of the environmental document was withdrawn.
6. At the Land Use Committee:
7. 150 Otis Street (Former Juvenile Hall) passed to the full board for consideration as a landmark.
8. Better Neighborhood Plus – Supervisor McGoldrick introduced a resolution to allow you more time to review it. The new review period expires October 7, 2005.
9. Supervisor Mirkarimi is interested in pursuing changes to the Planning Code in order to include the new Octavia Boulevard within the Hayes-Gough Neighborhood Commercial District.
10. Supervisor McGoldrick has introduced a resolution for adoption. This resolution would urge our department to require, as part of all building permit applications, a three-disclosure statement.

**BOA:**

1. The Green Cross on 22<sup>nd</sup> and Guerrero is a Medical Cannabis Dispensary that was raising extensive neighborhood discussions. The permit was suspended. A hearing was held on July 15 where it was ultimately determined and issued a draft of a series of 28 conditions. Ultimately, they were submitted to the Board of Appeals with the recommendation to overturn his (the Zoning Administrator) recommendation of suspension and impose these conditions. The Dispensary decided to move to another district.
1. Department's Work Program and Budget – Status Report
1. Zoning Administrator announced that Alicia John-Baptiste, Chief Financial Officer, was out of office last week, and requested this item be continued to October 6, 2005.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Marilyn Amini**

1. Formally requested that the Medical Cannabis Dispensaries come back to the Commission.

**Shawn Gorman**

1. Expressed concerns about the legislation that Supervisor McGoldrick forwarded to the full Board of Supervisors regarding the 311 notifications.

**Espanola Jackson**

1. Expressed concerns about Better Neighborhoods Plus.

**Francisco DeCosta**

1. Addressed issues regarding the Office of Emergency Services.
2. Planning Commission should have some sense of development in the City and work with other agencies so it something happens we have some standard operating procedures in place.
3. One component of the Better Neighborhoods Plus legislation is the element that is going to be introduced that places it in the Administrative Code. Why has it been taken from the Planning Department and put into the Administrative Code?

**Judy Berkowitz**

1. Expressed concerns about the Pre-Application process.

**E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Javier de la Garza, Representing Project Sponsor for 401 University**

1. This facility would be a part of the Sprint PCS infrastructure and will improve the services for Sprint PCS subscribers and community.

**Francisco DeCosta**

1. Planning Commissioners have to bear in mind that whether it is a State, Federal or Local law, they have to address the safety of constituents.

**Peter Chau**

1. Do not let another wireless carrier come into our community.
2. Please let our senior residents and other residents have a peaceful life

**Russell Clark, Sprint PCS**

1. Our goal is to provide adequate service.
2. We cannot provide quality service if we do not have the necessary coverage in the necessary areas.

**Espanola Jackson**

1. Our community is surrounded by wireless antennas. We do not want more.

**Howard Woo**

1. Respectfully asked the Commission to deny Sprint PCS their application at 401 University.

**Nick KuKulica**

1. Sprint has followed all the guidelines from the Planning Department.

**1. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

8a. 2004.0374CR

(B.  
FU: (415) 558-6613)

401 UNIVERSITY STREET - southeast corner of University and Bacon Streets, Lot 002, Assessor's Block 5973 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 234.2 and 303 to install a wireless telecommunications facility consisting of three panel antennas and related equipment cabinet on a new 30'-0" high, 6.5" to 8" thick flagpole on a vacant Location Preference 1 lot as a part of Sprint's wireless telecommunications network within a P (Public) Zoning District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Approval with Conditions.

**NOTE: On September 1, 2005, following public testimony, the Commission closed public hearing and passed a motion of intent to deny by a vote +4 -2. Commissioners Antonini and Alexander voted no. Commissioner Bradford-Bell was absent. Final Language on September 22, 2005.**

SPEAKERS: None  
ACTION: Disapproved  
AYES: Bradford-Bell, Hughes, Olague, S. Lee, W. Lee  
NAYES: Alexander and Antonini  
MOTION: 17107



8b. 2004.0374CR

(B. FU:  
(415) 558-6613)

401 UNIVERSITY STREET - southeast corner of University and Bacon Streets, Lot 002, Assessor's Block 5973 - **Request for General Plan Referral** pursuant to 4.105 of the City Charter to install a wireless telecommunications facility consisting of three panel antennas and related equipment cabinet on a new 30'-0" high, 6.5" to 8" thick flagpole on a vacant Location Preference 1 lot as a part of Sprint's wireless telecommunications network within a P (Public) Zoning District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Approval with Conditions.

**NOTE: On September 1, 2005, following public testimony, the Commission closed public hearing and passed a motion of intent to deny by a vote +4 -2. Commissioners Antonini and Alexander voted no. Commissioner Bradford-Bell was absent. Final Language on September 22, 2005.**

SPEAKERS: None

ACTION: Disapproved

AYES: Bradford-Bell, Hughes, Olague, S. Lee, W. Lee

NAYES: Alexander and Antonini

MOTION: 17108

## G. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

9. 2004.0832Q

(S. YOUNG:

(415) 558-6346)

2145 CALIFORNIA STREET - south side between Laguna and Buchanan Streets, Lot 22 in Assessor's Block 0651, five-unit **residential condominium conversion** in an RH-2 (Residential, Two-Family) District and a 40-X Height and Bulk District. The proposal is to change the existing 5-unit residential building to a condominium form of ownership and does not involve expansion, alteration, or demolition of the existing building.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17110

10. 2004.0633C

(M. Li

(415) 558-6396)

268-272 MCALLISTER STREET - north side between Larkin and Hyde Streets, Lot 007 in Assessor's Block 0347 - **Request for Conditional Use authorization** to install a wireless telecommunications facility for Circular Wireless (consisting of three antennas and four equipment

cabinets) on the McAllister Hotel. One antenna will be attached to the side of an existing rooftop penthouse, one antenna will be concealed inside a false vent pipe on the roof, and one antenna will be attached to the front façade of the building. The equipment cabinets will be located in the basement of the building. The project site is within an RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District, and an 80-T Height and Bulk District. The proposed facility meets Location Preference 5 of the WTS Facilities Siting Guidelines.

Preliminary Recommendation: Approval with conditions

SPEAKERS: None  
 ACTION: Approved  
 AYES: Alexander, Antonini, Hughes, S. Lee, W. Lee  
 NAYES: Bradford-Bell and Olague

#### ITEMS 11a. AND 11b. PULLED OF CONSENT CALENDAR AND HEARD AFTER THE CONSENT CALENDAR.

11a. 2005.0282D (D. SIROIS:  
 (415) 558-6313)  
3975 19<sup>TH</sup> STREET - north side, between Sanchez & Noe, Lot 089, Assessor's Block 3601 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application 2005.04.01.8981, to demolish an existing single-family dwelling in an RH-2 (Residential, House, Two-Family) District and in a 40-X Height and Bulk District.  
 Preliminary Recommendation: Do not take Discretionary Review and approve the Demolition Permit.

SPEAKERS: None  
 ACTION: Did not take Discretionary Review and approved  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

11b. 2005.0283D (D.SIROIS:  
 (415) 558-6313)  
3975 19<sup>TH</sup> STREET - north side, between Sanchez & Noe, Lot 089, Assessor's Block 3601 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2005.04.01.8983, proposing to construct a six-story, two unit residential building with two off-street parking in an RH-2 (Residential, House, Two-Family) District and in a 40-X Height and Bulk District.  
 Preliminary Recommendation: Do not take Discretionary Review and approve the New Construction Permit.

SPEAKERS: None  
 ACTION: Did not take Discretionary Review and approved  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

12a. 2004.0284D  
 (D.SIROIS: (415) 558-6313)  
206 ACADIA STREET - east side, cross street Joost, Lot 022, Assessor's Block 6767 -**Mandatory Discretionary Review** under the Planning Commission's policy requiring review of housing demolition, of

Demolition Permit Application 2004.02.18.6669, to demolish an existing single-family dwelling in an RH-1 (Residential, House, One-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the Demolition Permit.

SPEAKERS: None

ACTION: Did not take Discretionary Review and approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

12b. 2005.0680D

(D.SIROIS: (415) 558-6313)

206 ACADIA STREET - east side, cross street Joost, Lot 022, Assessor's Block 6767 -**Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2004.02.18.6670, proposing to construct a three-story, single-family residential building with two off-street parking in an RH-1 (Residential, House, One-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the New Construction Permit.

SPEAKERS: None

ACTION: Did not take Discretionary Review and approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

13a. 2005.0107D

(M. SMITH:

(415) 558-6322)

206 SURREY STREET - north side between Van Buren Street and Lippard Avenue, Lot 021 in Assessor's Block 6730 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2003.04.04.1519, proposing to demolish a two-story single-family dwelling, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKERS: None

ACTION: Did not take Discretionary Review and approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

13b. 2005.0154D

(M. SMITH:

(415) 558-6322)

206 SURREY STREET - north side between Van Buren Street and Lippard Avenue, Lot 021 in Assessor's Block 6730 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No.

2003.04.04.1517, proposing to construct a two-story over garage single-family dwelling, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed

SPEAKERS: None

ACTION: Did not take Discretionary Review and Disapproved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

#### •RE GULAR CALENDAR

14a. 2003.0295CDV (I. WILSON:  
(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Conditional Use authorization** pursuant to Sections 209.1 and 228.3 of the Planning Code to convert a service station use to residential use and to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now vacant. This project is also seeking a Variance from the Planning Code, and is the subject of a request for Discretionary Review.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to October 27, 2005.

AYES: Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

14b. 2003.0295CDV (I. WILSON:  
(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Discretionary Review** of Building Permit Application No. 2003.04.25.3201, proposing to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. This project is also seeking a Variance from the Planning Code, and requires Conditional Use authorization.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to October 27, 2005.

AYES: Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

14c. 2003.0295CDV  
(415) 558-6163)

(I. WILSON:

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Variance** from the rear yard requirements of Planning Code Section 134. The proposal is to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. A Variance is required to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior corner of the lot of approximately 1,480 square feet. This project also requires Conditional Use authorization, and is the subject of a request for Discretionary Review.

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to October 27, 2005.

AYES: Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, W. Lee

ABSENT: Olague

15. 2005.0522C  
(415) 558-.6316)

(E. TOPE:

3041-3045 FILLMORE STREET - west side between Filbert and Union Streets, Lot 004 in Assessor's Block 0534 - **Request for Conditional Use authorization** pursuant to Planning Code Sections 303, 725.38 and 790.84 to allow a conversion from residential to nonresidential use on the second floor of a building in the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert an approximately 1,280 square foot two-bedroom flat to office use (to be used in conjunction with Fredericksen's Paint store located on the ground floor).

Preliminary Recommendation: Disapproval

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS:

**Malcolm Morrison, Architect, representing Project Sponsor**

1. Gave a brief description of the project.
2. My client wishes to use their building to sustain and enhance their business.
3. The second floor conversion would be a compatible use mitigated by no changes to the exterior of the building and very little change to the interior.

**Dennis Drobiazch, Project Sponsor**

1. We need room to offer all the services that our customers desire.
2. The space above our paint shop would be ideal for expansion of our clerical department, as well as an excellent location to offer home improvements and home improvement classes for our customers.
3. We have never asked the Commission anything, except approval of the paint store.
4. With increased competition from other retailers, we feel we need more space to achieve our goal and to survive in this very competitive retail business.

**Mary Drobiazch**



1. Asked the Commission to approve their application.

**Linda Galego.**

1. We are the oldest hardware store in San Francisco. Our method of success has always relied on our ability to be flexible.
2. The community around us is changing, and so must we.

**Francisco DeCosta**

1. Spoke in support of the project.

**Louis Beta**

1. Supports the expansion for the conference room and learning center.

Lee	ACTION:	Approved
	AYES:	Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, W.
	NAYES:	Olague
	MOTION:	17111

16. 2004.0546CE (J. NAVARRETE:  
(415) 558-5975)

**680 ILLINOIS STREET - Appeal of a Preliminary Mitigated Negative Declaration.** On Lots 3 and 7 of Block 3994, the project would demolish two concrete warehouse/garage structures at 680 Illinois Street and 550 18th Street and construct one 50-foot tall building consisting of 35 dwelling units, 9,128 square feet of retail/commercial space, and about 35 off-street parking spaces. The project would include 74,012 square feet in five-stories, and four commercial spaces on the ground floor. The 50,966-sf residential uses would have open space provided through a second story deck. The 10,580 sf parking garage would be at the ground floor and accessed from Illinois Street. The two warehouse structures located at 680 Illinois Street (or 2075 Third Street) and 550 18th Street are included in the *Central Waterfront Cultural Resource Survey*, the M-2 zoning district, and 50-X height and bulk district.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

(Continued from the Regular Meeting of September 15, 2005)

**SPEAKERS:**

**Allan Landsberg, First Appellant**

1. Requested to the Commission that a complete Environmental Impact Report be prepare for this project.
2. His concerns are based on five specific areas: land use, transportation, air quality, hazardous materials and visual quality.
3. Land use related concerns are based on the project's contributions are continuing to whittle away the viable land for PDR activities.

**Patrick Mooney, Second Appellant**

1. We are not opposed to development in the area.
2. We do believe that this is a unique opportunity because this neighborhood is going through a rebirth.
3. There has not been consideration given to parking.

**James Halloran, Local 22**

1. Concerned about the hazardous materials and the lack of documentation of those materials.
2. Some 50 years ago, there were several stored tanks removed from the site. There is no documentation of the process in which they were removed or of any potential hazard that was in place at that time.
3. A building in this area may have many different concerns--possible asbestos exposure.
4. There is quite possibly lead paint exposure within the building and its exterior.

**David Cortez, Local 22**

1. Concerned about parking.
2. This project is going to be a negative impact to our members.
3. Urged the Commission to conduct an investigation of how the lack of parking is going to affect the traffic and air quality in the area.

**Gary Cooley**

1. Asked the Commission to reject the conditional use application for this project, because it does not meet the high standards established by the City for granting the permit.
2. This project as proposed does not have enough parking for all of its commercial spaces.
3. It will rely in part on street parking and result in [people] driving around until a space becomes available.
4. Parking is even worse when the Giants are playing at home.

**Judith Gatewood**

1. Asked the Commission to reject the conditional use for this project, because it does not address the project's impact on both the members and the workers of Local 22.

**Shawn Leonard**

- Opposes the project.

**Jason DeCook**

1. It is inappropriate to continue building residential structures in an area that needs production, distribution and repair uses.

**Pat Mulligan**

1. Urged the Commission to reject the negative declaration for 680 Illinois Street.

**Hector Cardenas**

1. Opposes the project.

2. Concerned about the traffic issue.

**Sylvia Reynolds**

1. Asked the Commission to reject the negative declaration.

**No name stated**

1. Concerned about traffic.

**Aaron Gruss**

1. The findings of this mitigated negative declaration regarding the historic buildings on the site, are not consistent or adequate.
2. About four years ago the Planning Department conducted a historic resource survey in the Waterfront area. That survey resulted in the creation of a potential historic district to which these buildings are contributors.
3. A survey advisory committee made up of 13 qualified professionals from across the City reviewed the survey results. They included the Planning Department, S.F. Architectural Heritage, Landmarks Board, Architectural Resources, Port of San Francisco, S.F. Beautiful, Page & Turnbull and The California Office of Historic Preservation.
4. When they reviewed the findings they requested the following conditions: "establish justifiable boundaries of the district, define the characteristics of contributory buildings to the district and create a list of structures that would be contributors and non-contributors to the district"
5. This works has not been completed.
6. The Planning Department needs to provide more information about this potential district before we can determine the impact this project will have.

**Joe Bass**

1. Read a letter from the Dogpatch Association, requesting that the Commission require that an Environmental Impact Report be prepared.

**Francisco DeCosta**

1. Concerned about quality of life issues that have not been addressed in this negative declaration.

**Tomas McCarthy**

1. Opposed to project because of the lack of clarifications on environmental issues involve with this project.
2. This project should be subject to a very careful environmental review.

**Luke Vratny**

1. This project is a logistic nightmare to all our union members.

**Catherine Chase**

1. Concerned about parking and hazardous materials.

**John Sanger, representing Project Sponsor**

1. This preliminary negative declaration has covered all issues. This was not a rush job. It has been one long year.
2. The environmental study was conducted by an independent organization, ICS, and determined that there was no obvious contamination present.
3. Of course asbestos is sometimes found in buildings that are more than 50 years old, and these buildings are proximately 50-55 years old.

MOTION: To uphold the appeal

AYES: Hughes and Olague

NAYES: Alexander, Antonini, Bradford-Bell, and W. Lee

ABSENT: S. Lee

RESULT: The motion failed. The Negative Declaration is upheld.

MOTION: 17112

17. 2004.0546C  
(415) 558-6613)

(B. FU:

680 ILLINOIS STREET - northwest corner of Illinois and 18<sup>th</sup> Streets, Lots 003 & 007 in Assessor's Block 3994 - **Request for Conditional Use authorization** under Planning Code Sections 215, 303, and 304 to create a new Planned Unit Development (PUD) to allow the construction of up to 35 dwelling units, 7,000 square feet of commercial space, and 41 independently accessible off-street parking spaces within a M-2 (Heavy Industrial) District with a 50-X Height and Bulk designation, and in the Housing/Mixed Use Zone as designated by Planning Commission Resolution No. 16202. Exceptions are requested from density, off-street parking, and permitted obstructions, as mandated by the Planning Code.

Preliminary Recommendation: Approval with Conditions

(Continued from the Regular Meeting of September 15, 2005)

**SPEAKERS:****John Sanger, Representing Project Sponsor.**

1. Gave a general description of the project.

**Eva Hom**

1. Supports this project because it is located in an area that is well served by transit.

**Reed Shelby**

1. Concerned about he parking issues.

**Marge Vincent**

1. Read some letters from some of the residents in the area supporting this project.

**Marty Wolf**

1. This project is very welcome in our neighborhood.

**Johanne Gormley**

1. Is in support of the project.

**Manuel Alvarado**

1. Supports the project because the City needs beauty and that is what we are going to have at 680 Illinois St.

**Dierdre Cassidy**

1. In support of the project.

**Randy Thume**

1. This project has the full support of most of the neighbors in the area.

**Pat Mulligan**

1. This project does not fit in the Central Waterfront Plan.

**No name stated**

1. Asked the Commission to reject the conditional use application.

**Jim Halloran**

1. There is a huge concern about public safety.
2. If a project is going to be built there, the project must be abated properly prior to the beginning of construction.

**Joe Boss**

1. We all recognize that we need to produce housing. And yet, here is a project that will stick up to 50 feet in an area that when the Planning Department finishes it could be 60 or 65 feet.
2. It is unfortunate to allow this conditional use to move forward when you quite possibly are leaving 15 or 20 residential units aside. This will be rather tragic.

**Jim Salinas Sr.**

1. Our members will be greatly impacted.
2. This type of project is devastating to the neighborhood.

**James Nunemacher**

1. Our goal is to contribute good quality, high quality housing to San Francisco.
2. Asked the Commission to approve the conditional use application.

**Judith Gatewood**

1. It is extremely disingenuous to say that the developer has repeatedly met with Local 22 staff and the Executive Board of the Dogpatch association.
2. It is the duty of the Planning Commission to make this City livable for everyone.



ACTION: Public hearing was held and remains open. To address a noticing problem, the item is continued to October 27, 2005.  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: S. Lee

18a. 2005.0868ETM (D. SIDER:  
 (415) 558-6697)

**ESTABLISHING A VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE FEE AND FUND. - Consideration of an Ordinance adding Planning Code Sections 319 through 319.7 to impose a \$4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act**  
**INFORMATIONAL ONLY**

SPEAKERS:  
**Espanola Jackson**

1. Executive Park has always been residential. It has never been a mixed-use area.

**Francisco DeCosta**

1. It is wrong for some ordinance to propose to the Planning Department and the constituents to build a street, swimming pool, park, library, or open space without due process.
2. The meeting that was held at Visitacion Valley--60% of the people did not know anything about what was going to be done.
3. It has to be an open process.

**John King**

1. Read the Executive Park Executive Committee resolution on behalf of his father, who was unable to make this meeting. In the letter they urged the Planning Commission and the Board of Supervisors to not approve the proposed fee ordinance.

**George Yurvee**

1. Opposes the ordinance.

**Erick Harrison**

1. He is concerned about the timing of the payment, the amount of the fee, and [lack of] certainty.
2. Unlike other areas in City, we have a substantial amount of infrastructure and site preparation work we need to do before we start building on the residential building infrastructures.

**Michael Burk**

1. We all win with the project is built. The developers get the projects up. We get more housing, and there are fees that come through and support community facilities. But if the developer cannot finance his project, we all loose. Timing is the key issue here.

### Barry Freeland

1. Fees like these make projects less viable. They make us look harder to try to figure out where to get the money. It has the potential of killing jobs.

ACTION: INFORMATIONAL ONLY. NO ACTION

18b 2005.0868ETM (D.  
SIDER: (415) 558-6697)

GENERAL PLAN AMENDMENT IN CONNECTION WITH THE EXECUTIVE PARK/CANDLESTICK COVE PROJECT. - **Consideration of an Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park -- Candlestick Cove Project;** adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1.

### INFORMATIONAL ONLY

SPEAKERS: Same as Item # 18a.

ACTION: INFORMATIONAL ONLY. NO ACTION

### TAKEN OUT OF ORDER AND FOLLOWED #17

19a. 2005.0626D (J. PURVIS:  
(415) 558-6354)

3350 20<sup>TH</sup> STREET - northwest corner of 20th and Shotwell Streets; Lot 015 in Assessor's Block 3594 - **Request for Discretionary Review** of Demolition Permit Application No. 2004.11.19.9724 to demolish a one-story Quonset hut used as a artist's live-work studio, and replace it with a mixed-use building with six dwelling units over garage and commercial space in an NC-2 (Small-Scale Neighborhood Commercial) Use

District and a 50-X Height and Bulk District.

Preliminary Recommendation: Do Not Take DR and Approve the Demolition.

(Continued from Regular Meeting of August 4, 2005)

SPEAKERS:

**Nick Paguaro, Mission Ant-Displacement Coalition**

1. The proposed project at this site is to build more market rate housing, which is not what we need in our neighborhood.
2. The Mission District is historically an artist community. It values the vibrancy of its culture.
3. One of the reasons why the character of the Mission is changing is because this sort of project is allowed to come in and take away these resources.

### Unclear name

1. There have been more PDR displacements and there are no zoning controls.

2. The lots of Quonset Hut is really significant and offers flexible use for artist.
3. It is also significant in terms of displacement pressures on PDR businesses

**Malia Chavez**

1. Encouraged the Planning Commission to please not to displace the Quonset Hut.
2. Quonset Hut is really representative of flexible use places.

**Jose Carrasco**

1. This is authentic art space for people to create. Art is shrinking in the Mission year by year.
2. Quonset Hut is perfectly suited for this kind of thing.
3. Keeping the Quonset Hut will preserve the culture and ethnic character and continuity of the Mission District.

**Lou Blazej, representing Project Sponsor**

1. Project Sponsor would be willing to entertain a serious offer to sell the building if the neighborhood group had the money.
2. Unfortunately, the Discretionary Review Requestor is using this appeal process to try to frustrate this development so they can kind of force a sale.
3. This building right now is not for sale.
4. Asked the Commission to not use their discretionary power in this type transaction, which is very unfair.
5. Also gave a brief description of the project.

**Joe Perella**

1. Is in favor of the project.

**Allan Callahan, one of the building owners**

1. Asked the Commission to approve their project.

ACTION: Did not take Discretionary Review and approved  
 AYES: Alexander, Antonini, Hughes, W. Lee  
 NAYES: Bradford-Bell and Olague  
 ABSENT: S. Lee

19b. 2004.1022D  
 (415) 558-6354)

(J. PURVIS:

3350 20<sup>TH</sup> STREET - northwest corner of 20th and Shotwell Streets;  
 Lot 015 in Assessor's Block 3594 - **Request for Discretionary Review**  
 of Building Permit Application No. 2004.11.19.9736 to build a five-story  
 building with six dwelling units over garage and commercial space  
 following demolition of a commercial live/work studio in an NC-2 (Small-  
 Scale Neighborhood Commercial) Use District and a 50-X Height and  
 Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and  
 Approve the New Construction.

(Continued from Regular Meeting of August 4, 2005)

SPEAKERS: Same as Item #19a.

ACTION: Did not take Discretionary Review and approved  
 AYES: Alexander, Antonini, Hughes, W. Lee  
 NAYES: Bradford-Bell and Olague  
 ABSENT: S. Lee

# **I PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**9:04  
p.m.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE  
 REGULAR MEETING OF THE PLANNING COMMISSION ON  
 THURSDAY, FEBRUARY 23, 2006.**

SPEAKERS None  
 ACTION: Approved  
 AYES: S. Lee; M. Antonini; Bradford-Bell; K. Hughes; C. Olague  
 ABSENT: D. Alexander; W. Lee









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City and County of San Francisco

## Planning Department

October 6, 2005

# SAN FRANCISCO PLANNING COMMISSION

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## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, October 6, 2005

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Dwight Alexander; Michael Antonini; Shelley Bradford-Bell; Sue Lee; William Lee; Christina Olague

COMMISSIONER ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:35 P.M.

STAFF IN ATTENDANCE: Dean Macris – Director of Planning; Larry Badiner – Zoning Administrator; Michael E. Smith; Glenn Cabrerros; Daniel Sirois; Shaun Mendrin; Jonathan Purvis; Sara Vellve; Isolde Wilson; Paul Maltzer; Tammy Chan; Mathew Snyder; Lisa Gibson; Dan Sider; Kate McGee; Linda Avery – Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0876C

(S. VELLVE:

(415) 558-6263)

2000 VAN NESS AVENUE- northeast corner at the intersection of Van Ness Avenue and Jackson Street; Lot 005 in Assessor's Block 0595 - **Request for Conditional Use authorization** pursuant to Sections 209.6 and 303 of the Planning Code to install a total of six (6) antennas and related equipment cabinets on the roof of an existing 100-foot tall commercial structure, known as the Medical Arts Building, as part of AT&T's wireless telecommunications network within an RC-4 (Residential-Commercial Combined) District, the Van Ness Special Use District and an 80-D Height and Bulk District, the proposal is a Preferred Location Preference 4 as it is a wholly commercial structure.

Preliminary Recommendation: Approval with conditions

**(Proposed for Continuance to October 20, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: Antonini, Bradford-Bell, Hughes, S. Lee, W. Lee

ABSENT: Alexander and Olague

2. 2004.0303C

(K. MCGEE:

(415) 558-6367)

401-407 VALENCIA STREET - southeast corner of Valencia and 15th Streets, Lot 029, Assessor's Block 3554 - **Request for Conditional Use authorization** pursuant to Sections 726.83 and 303 of the Planning Code to install a wireless telecommunications facility consisting of three (3) panel antennas and three (3) related equipment cabinets on an existing residential hotel, 'The Royan Hotel,' as a part of the Sprint PCS wireless telecommunications network within the Valencia Street Neighborhood Commercial Zoning District, a 50-X Height and Bulk Designation, and the Mission Alcoholic Beverage RUUSD. The site is a Location Preference 6.

(Continued from Regular Meeting of September 8, 2005)

Preliminary Recommendation: Approval with conditions

**PROJECT SPONSOR CANCELLED PROJECT**

## B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Commission Comments/Questions

**Commissioner Antonini:**

1. Gave a general statement regarding calendaring items on our agenda.
2. Would like to explored the possibility of beginning our commission sessions a bit earlier in the day so we are finished a little earlier, or at least we're able to concentrate a little better instead of getting into the late hours and facing the unfortunate choice of either continuing items that have been continued many times and are very sensitive.
3. Would like know how other commissioners feel about this and maybe for next year we can start to look at room availability or other possible scenarios where we could pick up an hour to an hour and a half earlier on most Thursdays to hopefully get through our calendar a little bit earlier in the evening.

## C. DIRECTOR'S REPORT

4. Director's Announcements

**None**

5. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BoA:**

1. - which was an existing older building, was not rated architecturally, but it was a handsome older building. We felt that was not appropriate based upon the residential design guidelines that say to replace windows with windows that are in kind and in context with the original building. The permit was issued and approved. The Board of Appeals upheld the soundness issue, which is very gratifying. We've had problems in the place on replacement windows. We feel they are very important. The board upheld us.
2. 220 11<sup>th</sup> Avenue – On July 22, 2004, the Planning Commission took Discretionary Review and made modifications setting the proposed front wall addition back by 15 feet, matched light wells and put a low parapet on this with one-hour firewall. The commission was upheld again on this issue, +4 –0.
3. 333 Greenwich Street – a merger – was continued.

**BoS:**

**None**

6. Department's Work Program and Budget – Status Report

**Alicia John-Baptiste, the Department's Chief Administrator Officer** gave a detailed presentation and update on the work program and budget for fiscal year 2006/2007.

#### **D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Ernestine Weiss** - cancelled

**Gigi Platt**

Re: 900 Innes Avenue

1. This item has been on the calendar consistently from the end of May.
2. It was continued for 45 days and you asked leaders of the preservation community, specifically qualified professionals to come and tell you whether we thought the document was adequate.
3. It has been too long on the calendar and will need to be re-advertised

**Jim Salinas Sr.**

1. Referred back to a statement that was made a couple weeks ago in the Planning Commission Chambers.
2. Commissioner Olague was gracious and respectful enough to submit an apology, to staff and to the public.

**Marilyn Amini**

1. Spoke regarding a continuance of Item #27- Better Neighborhoods

**E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**None**

**F. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

7. 2005.0866Q (M. SMITH:  
(415) 558-6322)

**1115-1125 NOE STREET** - east side between 24<sup>th</sup> and Jersey Streets, Lot 024A in Assessor's Block 6508 - **Public hearing to determine consistency of a proposed six-unit Condominium-Conversion Subdivision with the General Plan**, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Finding of consistency with the General Plan

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17113

8. 2005.0865Q (M. SMITH:  
(415) 558-6322)

**271 CUMBERLAND STREET** - south side between Sanchez and Church Streets, Lot 035 in Assessor's Block 3600 - **Public hearing to determine consistency of a proposed five-unit Condominium-Conversion Subdivision with the General Plan**, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Finding of consistency with the General Plan

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17114

- 9a. 2004.1087D

(G. CABREROS:



(415) 558-6169)

570 41<sup>ST</sup> AVENUE - east side between Geary Boulevard and Anza Street; Lot 016 in Assessor's Block 1504 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2004.08.23.2225, proposing to demolish a two-story, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and

Approve

SPEAKERS: None

ACTION: No Discretionary Review and Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

9b. 2004.1088D

(G. CABREROS:

(415) 558-6169)

570 41<sup>ST</sup> AVENUE - east side between Geary Boulevard and Anza Street; Lot 016 in Assessor's Block 1504 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2004.08.23.2228, proposing to construct a three-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and

Approve

SPEAKERS: None

ACTION: No Discretionary Review and Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

10. 2005.0451C

(D. SIROIS:

(415) 558-6313)

2001 37<sup>TH</sup> AVENUE (AKA ST. IGNATIUS COLLEGE PREPARATORY) - occupying the site bounded by 37th Avenue to the east, Rivera to the south, 39th Avenue to the west, and the West Sunset Playground to the North, Lot 6 on Assessor's Block 2094 - Request for **Conditional Use authorization** to amend a Planned Unit Development for the St. Ignatius College Preparatory campus pursuant to Planning Code Sections 209.3 and 304. The proposal is to construct a three-story, 15,450 square-foot addition to the rear of the existing Student Center. The new structures would house a choral music room, an enclosed batting facility, four new classrooms, a fitness room and other associated accessory uses. A new terrace is also proposed to be located on the roof of the choral music facility. The Project Site is located in an RH-1 (Residential, House, Single-Family) District and in a 40-X Height and Bulk.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17115

11. 2005.0612D

(D. SIROIS:

(415) 558-6313)

4591-4593 18TH STREET - south side between Douglass & Clover, Lot 029B, in Assessor's Block 2691 - **Mandatory Discretionary Review**, under the Planning Commission's Policy on Dwelling Unit Mergers, of Building Permit Application No. 2005.05.27.3634, proposing to convert a two-unit dwelling to a single-family dwelling. The subject property is located in an RH-2 (Residential, House, Two- Family) District in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approved dwelling unit merger

SPEAKERS: None

ACTION: No Discretionary Review and Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

12. 2005.0663C

(S. MENDRIN:

(415) 558-6625)

836 IRVING STREET - north side between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Lot 025 in Assessor's Block 1741 -**Request for a Conditional Use authorization** pursuant to Planning Code Sections 303(c) and 730.44 to allow the establishment of a small self-service restaurant use as described in Section 790.91 within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to change the existing personal use "Irving Nail Salon" (nail salon & facials) to a small self-service restaurant "Toasties" (deli/coffee shop). The interior space will be reconfigured to accommodate the proposed small self-service restaurant (approximately 995 square feet and 12 seats).

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None

ACTION: Without hearing, continued to October 27, 2005

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

13. 2004.0647C

(J.

PURVIS: (415) 558-6354)

2235 MISSION STREET - east side between 18th and 19th Streets; Lot 031 in Assessor's Block 3590 - **Request for Conditional Use authorization** under Planning Code Section 161(j) for a three-story vertical addition to an existing one-story-plus-mezzanine commercial building, resulting in a 50-foot-tall, mixed-use building with six dwelling units added over the existing 5,522 square feet of commercial space, with no off-street parking; within the NC-3 (Moderate-Scale Neighborhood Commercial) Use District, a 65-B Height and Bulk District, and within the Mixed-Use/Housing Overlay under Planning Commission Resolution No. 16727.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17116

## G. REGULAR CALENDAR

14. 2004.0175DV

(S. VELLVE:

(415) 558-6263)

3075 PACIFIC AVENUE - south side between Baker and Lyon Streets; Lot 014C in Assessor's Block 975 - **Request for Discretionary Review** of Building Permit Application No. 2003.01.10.4985, proposing to add a full third-story addition to a two-story single-family home in an RH-1(D) (House, One-Family (Detached Dwelling)) District and a 40-X Height and Bulk District. The proposal is subject to a Side Yard Variance request, which was heard on July 28, 2004 (Case No. 2004.0175V). The Zoning Administrator's decision is pending.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit application as revised

(Continued from Regular Meeting of September 8, 2005)

ACTION: Discretionary Review Application Withdrawn

15. 2004.1233D

(I. WILSON:

(415) 558-6163)

2549 POST STREET - south side between Baker and Lyon Streets; Lot 031 in Assessor's Block 1081 - **Request for Discretionary Review** of Building Permit Application No. 2004.10.14.6841, proposing to legalize the installation of property-line windows on the east side of the three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit application.

(Continued from Regular Meeting of September 8, 2005)

SPEAKERS:

**Joe Breal – Representing Discretionary Review Requestor**

1. This is a fairly unique and extraordinary case.
2. As you know, this is a case where the developer did not take out a permit for these windows
3. This affects my client's privacy.
4. This is not simply an issue of view.

**Alice Lam, Discretionary Review Requestor**

1. Concerned about safety and privacy for herself and her tenants

**Leslie Yuen**

1. Concerned about noise, safety and privacy

**Ken Welk, representing Project Sponsor**

1. Urged the Commission to approve the project

ACTION: Took Discretionary Review and Disapproved

AYES: Alexander, Bradford-Bell, Hughes, S. Lee and W. Lee

NAYES: Antonini and Olague

16. 2005.0527D

(G. CABREROS:

(415) 558-6169)

1847 SCOTT STREET - west side between Pine and Bush Streets; Lot 003 in Assessor's Block 1050 - **Request for Discretionary Review** of Building Permit Application No. 2003.09.17.5059, proposing to add two

stories to an existing two-story, single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the application as revised

(Continued from Regular Meeting of September 15, 2005)

**SPEAKERS:**

**David Cincotta, representing Discretionary Review Requestor**

1. Regrets that we are here today because we have made some progress with these projects. Unfortunately we have not made sufficient progress.
2. The size of the penthouse is down a third from what it used to be. It's down to what a normal mechanical penthouse might be.
3. The project is still too tall for its site. It is too large.
4. There are considerable things that could be done to make it better.
5. All structures on that street are one-story or two-story cottages.
6. The impact on the adjacent property is really considerable.

**Sandra Whittman**

1. Owner of 1853 Scott Street,
2. There are two facades--Victorian cottages with a party wall.
3. People move in and they only move out if they are forced to move out by some other significant event in their life.
4. They have a lot of light and they are very livable
5. The owner expects the City and the people of San Francisco to pay for his investment in the lack of a historically significant building. He also expects me to move all these pipes which I have an easement for, which costs somewhere between \$60 and \$80 thousand rather than solve it with a lightwell.
6. We have to put in a lightwell. We have to put in ventilation for the bathroom. We have to put in a skylight.

**Andrew Junius, representing Project Sponsor**

1. My client's project is on a 16-foot wide lot.
2. We have no room to make a lightwell.
3. We cannot accommodate a waste line over the property line.
4. We are willing to put the money out there and make that line go into the building.
5. My client has been very cooperative.
6. This issue is not for the Planning Commission. It is a dispute between property owners.
7. They have no right to that property line window and there is not a significant shadow issue related to this addition.

**Brian Growner, Property Owner**

1. This building was in a teardown condition.
2. The façade has been restored to its exact condition in 1894.
3. The lightwell that I proposed matches her lightwell as per the Building Code.
4. Asked the Commission to deny the Discretionary Review application.

**ACTION:** Did not take Discretionary Review and approved

**AYES:** Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

17. 2005.0698C  
(415) 558-6322)

(M. SMITH:

80 WEST PORTAL AVENUE - north side between Vicente Street and Ulloa Street, Lot 008 in Assessor's Block 2931 - **Request for Conditional Use authorization** pursuant to Planning Code Section 729.53 to establish a business/professional service operated by Guarantee Mortgage, located in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District.  
Preliminary Recommendation: Approval with Conditions

**SPEAKERS:**

**Dean Ricci**

1. Clarified that we are not a financial institution. We are a professional service that is more closely related to a real estate brokerage. The Zoning Administrator made this determination.
2. We feel that we are a valuable asset to the community and greatly improve the retail environment on the street.

**Sharon Green**

1. Strongly protests the proposed project
2. Extremely concerned about the possible loss of retail business in the area.

**Leonard Norak**

1. Opposes the project

**Bob Singer**

1. Spoke in favor of the project.

**Patricia Clark**

1. We need diversity in retail to provide the every day goods and services that families require on a day-to-day basis.

**Timothy John McCarthy**

1. Asked and urged the Commission to support their conditional use authorization for Guarantee Mortgage to make their move in the neighborhood.

**Miles Grant**

1. Thinks that this will bring a lot of business and a lot of people into the West portal area that did not know about it.
2. This will be a very positive impact on the neighborhood.

**Dan Saunders**

1. His fear is if Guarantee Mortgage is not allowed to move to the new location, they will move off the street. This will cause him and his business a lot of increased pressure and hopefully that won't happen.

**Ken Crusca**



- Is opposed to the project.

**Ray Doyle**

- I've lived on Kensington Way close to West Portal Avenue since 1961.
- Please don't give up on retail on West Portal Avenue.
- With the granting of conditional uses in the past few years, the retail businesses are being squeezed out.
- I think the owner should pursue other options.

**Neil Mitchell**

1. Really supports the project and move.

**Dianne Goodman**

1. Does not support the project.

**Mary Christian**

1. Is not in support of the project.

**Linda Story, Representative of Guarantee Mortgage**

1. First, we have never seen a notice of any violation
2. Read a letter from Mathew Rodgers, a current merchant in West Portal who supports this project.
3. It is a misnomer to say this is a financial institution. We are governed by the Department of Real Estate not the Department of Financial Institutions.
4. Would like the Commission to grant the conditional use request.

ACTION: Approved  
 AYES: Antonini, Bradford-Bell; Hughes; W. Lee  
 NAYES: Olague; Alexander; S. Lee  
 MOTION: 17117

18. 2005.0632C  
 (415) 558-6322)

(M. SMITH:

**115 WEST PORTAL AVENUE** - between Vicente Street and 14<sup>th</sup> Avenue, Lot 031 in Assessor's Block 2989B - **Request for Conditional Use authorization** pursuant to Planning Code Section 729.50 to establish a limited financial service operated by Sterling Bank & Trust, located in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:**

**Walter Parsley, Project Sponsor**

1. Banks opening on West Portal Avenue would be positive for the neighborhood.
2. This will be a small institution.
3. This is a community organization.
4. The Planning Code allows for limited financial services in this neighborhood and none have been opened.

**Sharon Greenland**

1. Who is going to monitor that they promised to only use 200 square feet?
2. Do not approve the conditional use application.

**Tammy Lee**

1. If the CU is approved, she will be the new branch manager.
2. Asked the Commission to approve the application.

**Patricia Clark**

1. There are already too many financial offices in the neighborhood.

**Kenneth Crusca, West Portal Association**

1. Opposed to the project.

**Ray Doyle**

1. People should have property rights.
2. The community rights should not be overridden.
3. The right to request a conditional use permit was designed to build flexibility.
4. The neighborhood commercial district zoning restrictions are one tool to protect small businesses
5. Please do not dismantle this protection.

**Steve Adams, Managing Director of Sterling Bank in San Francisco**

1. Is in support of this project.

**Mary Ann Christian**

1. Ground floor retail space is prime in West Portal
2. We need to encourage new small Businesses to come into that space
3. Is not in support of this project.

**Ernestine Weiss**

1. This is healthy.
2. [Banks] fill a need
3. If there weren't a need, they wouldn't be asking you to have them there.
4. Things change in neighborhoods. We have to change with it.
5. I think you should approve this.

**Dianne Goodman**

1. Concerned about the possibility of the increase in her rent.

**Marilyn Amini**

1. Fully endorses what Ray Doyle said, there are controls in the neighborhood that concern proliferation of financial institutions.
2. This should be looked at more closely by the Commission.

**ACTION:** Public Hearing Closed. Intent to Disapprove. Final Language on

10/27/05

AYES: Antonini; Alexander; Bradford-Bell; Hughes; Olague S. Lee W. Lee

**NOTE: Items 19 and 20a & b were called and heard together. The public hearing for item 19 is closed.**

19. 2000.1164E (P. MALTZER: (415) 558-5977)

**1880-1886 MISSION STREET - Certification of Final Environmental Impact Report.** The project site on Assessor's Block 3547, on Lots 2A, 3, 4, and 29 is approximately 51,888 square feet in size and contains two existing buildings containing warehouse use and printing plant with offices. The project site is located at 1880-1886 Mission Street at 15<sup>th</sup> Street (northwest corner) bordered by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south and Julian Street to the west, within the Mission District neighborhood. The project site is located in a Heavy Commercial (C-M) zoning district, within a 65-B/50-X Height and Bulk district, as well as the Mission District Interim Controls district. The proposal is to demolish the two existing buildings and construct one seven-story plus basement building containing 194 dwelling units, including 39 affordable units, and 8,536 square feet (sf) of retail space. The basement and ground floor levels would contain 181 parking spaces with ingress and egress from 15<sup>th</sup> Street. The proposed project would require conditional use authorization by the Planning Commission pursuant to San Francisco Planning Code Section 303. (Continued from Regular Meeting of September 15, 2005)

SPEAKERS: None. Public hearing is closed.

ACTION: Approved – Certified Final Environmental Impact Report

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17118

20a. 2000.1164E (P. MALTZER: (415) 558-5977)

**1880-1886 MISSION STREET - Adoption of CEQA Findings.** The project site on Assessor's Block 3547, on Lots 2A, 3, 4, and 29 is approximately 51,888 square feet in size and contains two existing buildings containing warehouse use and printing plant with offices. The project site is located at 1880-1886 Mission Street at 15<sup>th</sup> Street (northwest corner) bordered by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south and Julian Street to the west, within the Mission District neighborhood. The project site is located in a Heavy Commercial (C-M) zoning district, within a 65-B/50-X Height and Bulk district, as well as the Mission District Interim Controls district. The proposal is to demolish the two existing buildings and construct one seven-story plus basement building containing 194 dwelling units, including 39 affordable units, and 8,536 square feet (sf) of retail space. The basement and ground floor levels would contain 181 parking spaces with ingress and egress from 15<sup>th</sup> Street. The proposed project would require conditional use authorization by the Planning Commission pursuant to San Francisco Planning Code Section 303. (Continued from Regular Meeting of September 15, 2005)

SPEAKERS:

Warner Smalls, Property Owner

1. We want to make it clear that for three years, which has been a long time for us, we have listened expressly to the concerns of the community.
2. I think it is in that spirit that we are proposing this project as modified today.
3. We have increased the number of three bedroom unit, we've added more, not by increasing the size of the building, but simply by adjusting the interior spaces to provide for more bedrooms that are truly legal, in terms of bedroom, light and air exposure.
4. This makes a big change in the number of people, the number of population that can be accommodated in the building.
5. We've increased the number of units to 194
6. We have provided new community space.
7. We've reduced the number of parking to below the 1.1 legally required for independent access.
8. We think this is a socially responsible project.
9. We've waited five years since this project was conceived and have been in the pipeline for three years.
10. Respectfully asked the Commission for their support and approval of the project

**Name unclear**

1. Appreciated the support of the Planning Department staff and the Planning Commission for the past five years.
2. Our main concern has been to make this project inclusionary.

**Gloria Diana Ramos**

1. This project will provide homeownership to about 39 low-income families who are probably all tenants at the moment.
2. This is something critically important.
3. She is very proud of that, and happy to know that low-income families will be homeowners and no longer have to rent.

**Ron Miguel**

1. There are overriding considerations for your approval of this project. Just take a look at what has been achieved here. Neighborhood group considerations particularly regarding retail, streetscape, traffic and everything else has been thoroughly taken into consideration. It's probably more than most developers have done in being responsible to the neighborhood.

**Ruben Santana**

1. I currently employ approximately 50 union carpenters and laborers. 75 to 80% are local from the community and/or San Francisco residents.
2. My organization is that of grassroots of this city and I'd like to see the city develop and become a stronger unification with all the people involved.
3. Is in favor of this project.

**Tim Paulson, Executive Director of the San Francisco Labor Council**

1. Asked the Commission to push this project forward.
2. Commended the Commission for the work they've done so far.

**Michael Therianlt**

1. Thanked the project sponsor for pledging to build the project with all union labor.

2. We have a legitimate hope that some of our own members may eventually occupy those units.

**Roberta Gabino**

1. Asked the Commission to support the project. It will create good union paying jobs as well as provide much needed affordable housing.

**Jose**

1. The building that is there serves no real purpose and has little value
2. You can help solve the problem by supporting this project and move it forward.

**Larry Mizzola, Jr.**

1. The type of project you are considering tonight will help me and my people in the community secure permanent housing.
2. This is the type of project in the Mission District that will allow people in my community to keep current economic status with construction jobs.

**Jose Ferreira, Jr.**

1. We have over 3300 members in our union. This project will provide work for some of those members.
2. I'm here to support the project and the housing that will be developed
3. Asked the Commission to support this project and move it forward.

**Robert Crockett, Local 22**

1. This project will help bring a dead neighborhood back to life.
2. I'd like to work on it to help the people of the neighborhood to improve it, to give them a reason to have faith, hope, and just a little bit of pride in their neighborhood so they will want to live there.

**Don Marcos**

1. I have supported the project since it was proposed three years ago, before they made all the changes, simply because of what it will do in that neighborhood.
2. Every month, every year that this project is delayed, it is one more crime, one more victim, and one more family not being able to move in.

**Joseph Martinez**

1. I am in support of this project and I urge you to please pass this.

**Tim Kelly**

1. Wanted to ask the Commission for their support of this project.
2. I spoke in defense of the CEQA process and I am glad to see that it has been respected.
3. I think that it was only appropriate to be done and we have benefited. We will be learning much more about the social history of the building if you approve this project with the mitigation measures related to the public display regarding the history today.



**Marc Glomb**

1. We are looking forward to the possibility of our low-income seniors, which are primarily women that live on Social Security and SSI, having the possibility of homeownership in that building for themselves.

**Philip Lesser**

1. Nobody has spoken to the fact that this project is only 500 feet away from the 16<sup>th</sup> and Mission BART station. This is an ideal place for high-density housing and retail.
2. I support this project.

**John Crowley in place of Sophia Ayala**

1. People are displaced in the Mission because they are renters. They are not homeowners.
2. It is time to say yes to this project and move it forward.

**Unclear name**

1. Strongly supports this project because it would bring much needed housing improvements to the neighborhood.

**Kenneth, translating from Chinese to English**

1. The speaker urged the commission to push this project forward. The current building serves no purpose.

**John Crowley, Local 483**

1. We build them but we can't live there
2. It is about time we built something where can we live.
3. This is a great project.

**Luisa (unclear last name)**

1. This particular project is a model--not only of working together and taking into consideration our working folks in San Francisco--but also for looking for ways to make it affordable for people to own their homes.

**Nick Pagalatos**

1. Would like to thank the community for continuing to engage in a tenacious way with the developers to make sure that community needs were met.
2. I am in support of this project. And is not because it's going to develop over 100 units of market rate housing, but rather because it is going to provide for dozens of units of below market rate housing at 80% of AMI, which is a precedent and which is a solid step in the right direction.

**Ruby Harris**

1. This is a significant opportunity for our buyers, but it does not go far enough. I want to echo a lot of things and let you know that our neighborhood is a low-income.

2. This is a good step in the right direction.
3. We look forward to working with future developers to really become more relevant to the neighborhood and to offer more opportunities for all these folks in the neighborhood.

**Eric Quezada**

1. There are a lot of people here today supporting the need for affordable housing in our neighborhood. That's good. It would be good to see this kind of support every time we are here fighting for one more BMR unit.
2. The fight is not over. We have a long struggle ahead of us.
3. We support this project but we need to make sure to take care of the folks that have been there for many years, who have struggled through the difficult times in our neighborhood. The ones who have stuck it out. We need to make sure those folks aren't victims of this project and that the businesses that have been serving our neighborhood aren't forced out for lack of leases and speculation from other landlords in the neighborhoods who view this as an opportunity to displace more of our community.

**Fernando Marti, Mission Anti Displacement Coalition**

1. Over the last four years of working with this developer, we've gotten a project that will really be something that will, I think, be a first step and a precedent to how we might see development in the future in the Mission District.

**Luis Granados**

1. I think this is a step in the right direction.
2. To put it in context though, it would be great if this project were 100% affordable.

**Bruce Alison**

1. Spoke in opposition of this project.

**Catania Galvan**

1. We all need to see that projects like this become more the norm than the exception.

**Rosario Anaya**

1. Believes that the builder has done much more than his due diligence
2. The neighborhood will be so much better served by the creation of new homes and spaces for small businesses in the community.
3. Urged the Commission to approve the project.

**Joseph Shipman, Member of Local 22 carpenters Union**

1. I find myself in a perplexing situation
2. I'm for affordable housing. Single parent dwellings are one of my big issues.
3. I just don't see it. I see condos going up all over the place and I see myself as a hard working blue-collar worker and slowly being nudged out of my neighborhood.
4. I need the work and I don't make that kind of money
5. I can't afford to move into one of those units.

**Danny McLinden**

1. If you build these, where will the poor in the Mission go?
2. Spoke in opposition of this project.

**Bill Murphy**

1. I'm disabled and live on a fixed income.
2. This project is only affordable to the wealthy
3. I know for a fact that at least 80% of the people in my part of the Mission make less than 30% of median income.
4. Many have big families to support with low-income jobs.
5. Most of the people in this neighborhood could never afford anything in this project unless it's maybe a closet.
6. It will create more displacement and gentrification

**Ellis McDonald**

1. Does not support this project.

**Marna Schwartz**

1. 80% AMI with 20% inclusionary should be the standard for development.
2. Teachers, Firemen, union workers and others should be able to buy these below market rate units
3. In order for folks with low incomes to get into these units, they are going to have to get down payment assistance from the City.

**Larry Del Carlo**

1. We have been renovating low and affordable housing in the Mission for 35 years.
2. We are committed to build low-income affordable housing in the Mission District and we will continue to do that
3. A project like this does not really bother us because it is an opportunity for many of our residents who have increased their income over the years, as they have been renters in our buildings, to be able to realize a dream that they have. To have an opportunity to get a start and own their first home.

- A low-income resident in one of our buildings does not stay a low-income resident forever.

ACTION: Approved – Adoption of CEQA findings

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, W.

Lee

MOTION: 17119

20b. 2003.0758C  
(415) 558-6354)

(J. PURVIS:

1880-1886 MISSION STREET - west side between 14<sup>th</sup> and 15<sup>th</sup> Streets; Lots 2A, 3, 4, and 29 in Assessor's Block 3547 - **Request for Conditional Use authorization** under Planning Code Sections 215, 271, 303, and 304 for a Planned Unit Development (PUD) exceeding bulk limits, and to allow construction of up to 194 dwelling units, 8,536 square feet of retail commercial space and up to 181 independently accessible off-street parking spaces, following the demolition of two light industrial buildings on the site. Exceptions are requested from

bulk, rear yard, off-street parking and dwelling unit exposure requirements of the Planning Code. The site is within a C-M (Heavy Commercial) Land Use District, and a 50-X and 65-B Height and Bulk District.

Preliminary Recommendation: Approve with Conditions  
(Continued from Regular Meeting of September 15, 2005)

SPEAKERS: Same as those listed for item 20a

ACTION: Approved with conditions as drafted

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, S. Lee, and

W. Lee

MOTION: 17120

21. 2002.0449E (T. CHAN:  
(415) 558-5982)  
**375 FREMONT STREET - Certification of a Final Environmental Impact Report.** Subsequent to the publication of the Draft EIR, the project sponsor identified a new preferred alternative similar to Alternative B presented in the Draft EIR. The preferred project, called Alternative D, is a 250-foot-tall, 28-story residential building of approximately 349,071 gross square feet (gsf) consisting of 225 dwelling units and about 217 underground parking spaces. One existing two-story building on the site which totals approximately 46,500 gross square feet would be demolished. The 375 Fremont Street Hill Building, constructed in 1929, is a listed in four local surveys containing buildings that could be considered historic resources. The project site is located about mid-block on the eastern side of Fremont Street in the block bounded by Folsom, Fremont, Harrison, and Beale Streets. Vehicular access to the parking garage would be from Fremont Street on the northern side of the building. Pedestrian access would be from a lobby facing Fremont Street. The site is within the RC-4 (Residential/Commercial High-Density) district, and a 250-R height/bulk district. This site is within the newly adopted Rincon Hill Downtown Residential (DTR) District, which is awaiting final adoption by the Board of Supervisors. Should the Board of Supervisor adopt the propose Rincon Hill DTR, the proposed project would be in the new 85/400-R height and bulk district.

**Preliminary Recommendation: Certify the Final Environmental Impact Report. Note: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 6, 2005. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.**

(Continued from Regular Meeting of September 15, 2005)

SPEAKERS: None. Public hearing is closed.

ACTION: Approved certification of the Final Environmental Impact Report

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: S. Lee

MOTION: 17121

- 22a. 2002.0449CV (M. SNYDER:  
(415) 575-6891)  
**375 FREMONT STREET** - east side between Folsom Street and Harrison Street, Lot 006 in Assessor's Block 3747 - **Request for Conditional Use authorization** to allow for the construction of a

residential project that would include approximately 225 dwelling units, 217 non-independently off-street parking spaces, two off-street loading spaces, in a structure that would be 250-feet tall and 28-stories. Conditional Use is required pursuant to Planning Code Section 253 for the construction of a structure greater than 40-feet in a Residential District, and pursuant to Planning Code Section 249.1(b)(1)(B) for the construction of a project that would have full lot coverage on a sloping lot in the Rincon Hill Special Use District. The project is being considered under the Planning Code Section 249.1, the Rincon Hill Special Use District, rather than the recently adopted new zoning controls for the Rincon Hill area as outlined in Planning Code Sections 827 and 309.1. Planning Code Section 175.7 allows the subject lot to pursue entitlements under the zoning controls in effect prior to the adoption of the zoning amendments implementing the Rincon Hill DTR District. Under the previous controls, the subject lot was in an RC-4 (Residential Commercial Mixed High Density) District, the Rincon Hill Special Use District, and a 250-R Height and Bulk District. Under the new adopted zoning, the project site is within the Rincon Hill DTR (Downtown Residential District), and a 400-R Height and Bulk District. Preliminary Recommendation: Approval with modifications.  
(Continued from Regular Meeting of September 15, 2005)

**SPEAKERS:**

**Alan Mark**

1. Gave a brief explanation of how size is used to determine a one or two bedroom unit.

**Allison Pool, Member of the Project Team**

- Gave an overall presentation of the project design and how that design responds to staff's concerns.

**Bob Meyers, Planning Consultant for Theodore Brown**

1. Responded to the design changes suggested by staff.

**Theodore Brown, Developer of the project.**

1. Thanked staff for the four years of hard work on this project
2. Expressed that one of the most important things is to make this building livable.
3. We probably have the greatest amount of open space on the ground floor of any building in Rincon Hill.
4. Respectfully asked the Commission to approve this project as proposed.

**Greg Miller**

1. Asked the Commission to approve the project

**Robert Herr, Attorney for the Project Sponsor**

1. Reviewed the process history of this project and asked the Commission to approve the EIR certification and the conditional use request.

**Tim O'Brien, West Coast Operating Partner for Five Field Companies and Theodore Brown's Development Partner**

1. We are currently developing over a billion and a half dollars of high-rise residential projects. Four in California



2. This is the first project in San Francisco
3. We are committed to high quality urban housing and are excited about bringing that much needed housing to San Francisco.
4. If this is a project you are prepared to approve tonight, we are prepared to build it.

**Ernestine Weiss**

1. I'm coming to you from a tenant's point of view.
2. This is a perfect fit for the Rincon Area, as I've said before.
3. This is both an outstanding and exceptional design by Ted Brown, and it is both beautiful and practical.
4. I can't find fault with one thing.

**Pat McGarigan, A Lawyer representing the Archdiocese**

1. The archdiocese is here tonight to be able to tell you that we believe it is feasible for them to reorient its building such that it has a rectangular shape along Harrison Street and that we believe will allow us to add approximately ten feet, maybe a little more setback from the 375 building, provided that we are able to work through with staff a few additional changes that would be required for such a project in terms of diagonal dimensions and the setback from the east side property line.
2. As well as a change in the floor plates.
3. All of those things are under consideration and will be involved in the process of our submittal as a revised CU application for the 385-399 project.
4. We don't see that we can increase the tower separation more than the 60 to 80 foot range
5. We do think it is realistic for the 60 to 70 foot range
6. If we do this reorientation of the 385-399 project we do believe we can achieve a few additional units.
7. With these things, the adjoining property owner is supportive of this application.

**ACTION:** Approved as modified: some corrections as pointed out by the project sponsor; setbacks in a couple different places – we took away the varying dimensions and said it would be 20 feet from the south side property line; strike the last condition; it will be subject to Rincon Hill requirements and fees; to continue working with staff to see if the balconies are movable; the Commission will get an informational presentation on colors, glazing and those types of items as the project goes forward.

**AYES:** Antonini, Alexander, Bradford-Bell, Hughes, Olague, W. Lee

**ABSENT:** S. Lee

**MOTION:** 17122

22b. 2002.0449CV (M. SNYDER:  
(415) 575-6891)

**375 FREMONT STREET** - east side between Folsom Street and Harrison Street, Lot 006 in Assessor's Block 3747 - **Request for Parking, Loading, and upper floor setback variances** to allow for the construction of a residential project that would include approximately 225 dwelling units, 217 non-independently off-street parking spaces, two off-street loading spaces, in a structure that would be 250-feet tall and 28-stories. Pursuant to Planning Code Section 151 and 249.1(c) (3), one parking space is required for each dwelling unit; the proposal only includes up to 217 parking spaces (193 independently accessible, and 24 tandem). Pursuant to Planning Code Section 249.1(c)(3), 50-

percent of the frontage is required to be setback by 25-feet at a height of 50-feet; the proposal does not include such a setback. Pursuant to Planning Code Section 152 and 155, the project is required to include two independently access off-street loading spaces; one of the proposed two loading spaces would not be independently accessible. The project is being considered under the Planning Code Section 249.1, the Rincon Hill Special Use District, rather than the recently adopted new zoning controls for the Rincon Hill area as outlined in Planning Code Sections 827 and 309.1. Planning Code Section 175.7 allows the subject lot to pursue entitlements under the zoning controls in effect prior to the adoption of the zoning amendments implementing the Rincon Hill DTR District. Under the previous controls, the subject lot was in an RC-4 (Residential Commercial Mixed High Density) District, the Rincon Hill Special Use District, and a 250-R Height and Bulk District. Under the new adopted zoning, the project site is within the Rincon Hill DTR (Downtown Residential District), and a 400-R Height and Bulk District.

(Continued from Regular Meeting of September 15, 2005)

**SPEAKERS:** Same as those listed for item 22a

**ACTION:** The Zoning Administrator closed the public hearing and granted the parking and loading variances. He has taken the upper floor setback variance under advisement.

23. 2002.1129E

(L. GIBSON:

(415) 558-5993)

**SAN FRANCISCO MARINA RENOVATION PROJECT - Draft Environmental Impact Report Public Hearing.** The proposed project is the renovation of the San Francisco Marina at 3950 Scott Street (Assessor's Block 900, Lot 003). Water-side improvements would include installation of three new breakwater structures and the removal of two existing breakwater structures; reconstruction of portions of the degraded rip-rap slopes around the interior shorelines of the marina and along the outer seawall (between the St. Francis and Golden Gate Yacht Clubs); maintenance dredging; replacement and reconfiguration of the floating docks and slips; replacement of gangways and security gates; installation of an oily water and sewage pump-out facility and refurbishment of two sewage pump-out facilities; upgrade of electrical and water services to the new floating docks; and improved lighting on the docks. Land-side improvements would include renovation of marina restroom, shower, and office buildings; conversion of a vacant building (former Navy Degaussing Station) into office space; construction of a new 1,000-square-foot maintenance building; and restriping of existing parking lots. The project site is within a P (Public) Use District and an OS (Open Space) Height and Bulk District.

Preliminary Recommendation: No Action Required. Public hearing to receive comments only.

**Note: Written comments will be received at the Planning Department until 5:00 p.m. on October 20, 2005.**

**SPEAKERS:**

**Joan Girardot**

1. We are talking about 8 blocks of public shoreline open space that I believe is the most prized land use under the city's General Plan.
2. We all want the harbor repaired, but in an environmentally sensitive way.
3. My first point is regarding the seismic retrofit of the existing seawalls.

4. The project would be funded by Long shore DPW, which has limited funds for the repair of the marina unit.
5. If you go to page 214 and the city says: they quote a report in 1997 that does not deny the seawalls need retrofit. But they don't quote the earlier studies that say they will fall 4 to 8 feet. And it says they recommend that the city make repairs to the seawalls after an earthquake.
6. This is unacceptable.

**Sue Chang**

1. -I would like to speak out against the removal of the north south mall at the end. It is extremely well used.
2. Supports that the project be spanned to include the seismic retrofit of the seawall and requested that the Planning Commission require that the repair and replace alternative suggested by the Marina Improvement property evaluators be done for environmental review and the ability to meet the project sponsor's objective.

**Gloria Fontanello**

1. The impact of this changes views, the foreseeable increase in traffic noise, congestion, the increased use of the pump out facility and increased intensity of use of the shoreline recreation area.
2. It must be evaluated in the final EIR.
3. The final EIR must also specify the exact location of this guest dock.
4. It should be obvious we need a traffic impact analysis to be included in the final report.

**Jill Sinclair**

1. The marina draft EIR before you today is in violation of code chapter 29.
2. I ask you today to suspend these proceedings and postpone this hearing until the violations have been addressed
3. I hope this area will not become a commercial space.

**Don (unclear last name)**

1. The Planning Commission should consider and recommend repairing and making replacements as needed to the existing harbor facilities with the existing layout and existing berth sizes.

**Henry Coleman**

1. Concerned about energy consumption.

**Susan Lipson**

- Concerned about the traffic circulation in the area.

**Renee Monchard**

1. This Environmental Impact Report is inadequate.

**Nathaniel Berkowitz**

1. Does not support the Environmental Impact Report

**Judy Berkowitz**

- Asked the Commission to accept two resolutions 1) is to recommend that the

scope of the Marina Harbor project be expanded to include the seismic retrofit of the Marina Boulevard seawall and fire wall; 2) to recommend to the Recreation and Parks Department to retain all 228 small berths at the Marina.

**David Cincotta**

1. Asked the Commission if there were a possibility to have a future hearing and an extended comment period. That would be beneficial because some of these people, whom he represents, have considerable knowledge over the years and have read all of the background materials and studies.

**Francisco DeCosta**

1. This is a flawed Draft Environmental Impact Report because it does not address quality of life issues.

**Marilyn Amini**

1. Supports the request that the project scope include evaluation of seismic retrofit of the seawall to render the environmental impact report adequate and accurate.

**ACTION:** At the direction of the Chair, this item was continued to November 3, 2005 for a full public hearing. Staff has been instructed to invite the Recreation and Parks Department and the Landmarks Preservation Advisory Board to review and comment at the hearing. Also, the written comment period has been extended until 5:00 p.m. on November 10, 2005.

## 6:30 P.M.

24. 2005.0868ETM  
(415) 558-6697)

(D. SIDER:

**ESTABLISHING A VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE FEE AND FUND. - Consideration of an Ordinance adding Planning Code Sections 319 through 319.7 to impose a \$4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act**  
Preliminary Recommendation: Pending

**S PEAKERS:**

**Francisco DeCosta**

1. Commissioners, be very careful not to set a precedent.
2. If we set a precedent where the public does not have meaningful dialogue..., that is not good for the City.

- Asked the Commission to be careful how they adjudicate this issue.

**Shirley Jones, Chairperson of the Executive Park Advisory Committee**

1. The committee supports the proposed housing development at Executive Park
2. The proposed development will result in a sizeable contribution to San Francisco



schools and ultimate a sufficient increase in property tax.

**Linda Feliz**

1. She passed out written statements by the Department of Children, Youth and Their Families, which she represents
2. Childcare is a vital infrastructure piece in meeting the needs of residents and employees in the case of Executive Park.
3. We are certain that the demand for childcare will not be decreased.

**Fran Martin**

1. Asked the Commission to ratify the fee ordinance for the good of the community.

**Ann Seimann**

- Supervisor Maxwell's fee ordinance is a common sense and fair solution to the impacts that incoming developments will have on facilities and services.

**Ron Seimann**

1. He is a retired psychologist and a hearing impaired person.
2. He supports Supervisor Maxwell's ordinance.
3. He very specifically wants to address the issue of the library.
4. I don't think it is too much to ask that out of the huge amounts of money that the developers of Candlestick Cove will make from their project, they give back a little to our community, at least so we can have a library that will serve the community including the residents of "Candlestick Cove."

**Espanola Jackson**

1. She is dissatisfied with how Bayview Hunters Point is not even being looked at.
2. We have an infrastructure [problem] there.
3. When everyone starts flushing their toilets, it comes to Bayview Hunters Point.
4. We had the Supervisor come out to the community day before yesterday
5. She could not explain to us why and how she decided on her own to put forth an ordinance without coming to the community and discuss it with the community.
6. She didn't have an answer.
7. She said she could do what she wants to.
8. I have submitted a complaint to the Sunshine Ordinance Task Force because we've got to take care of business for Bayview Hunters Point
9. She is opposed to the ordinance.

**Joe Boss**

1. I really hope this helps clarify the need for coming up with a system that starts from the beginning with public input, goes through assessing the existing needs such as libraries,, and identifying new impact needs; coming up with real nexus studies that indicate what impacts there are and what the development should pay for .
2. Opposes the ordinance.

**ACTION:** Approved as amended to require continued dialogue between the Supervisor, developer, impacted communities; monies should be divided among Little Hollywood, Bayview Hunters Point & Visitacion Valley.

**AYES:** Antonini, Alexander, Hughes, Olague, W. Lee



ABSENT: S. Lee and Bradford-Bell  
RESOLUTION: 17123

25. 2005.0868ETM (K.)  
MCGEE: (415) 558-6367)

GENERAL PLAN AMENDMENT IN CONNECTION WITH THE EXECUTIVE PARK/CANDLESTICK COVE PROJECT. - **Consideration of an Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park - Candlestick Cove Project;** adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Pending

SPEAKERS: Same as those listed for item 24

ACTION: Approved

AYES: Antonini, Alexander, Hughes, Olague, W. Lee

ABSENT: Bradford-Bell and S. Lee

RESOLUTION: 17124

26. (J. JARAMILLO/ J. RUBIN: (415) 558-6818)/558-6310)

EASTERN NEIGHBORHOODS PLANNING STUDY - Informational presentation on the Eastern Neighborhoods rezoning. The presentation will include information on status of the Eastern Neighborhoods rezoning, which includes Showplace Square, Mission, Potrero Hill, Central Waterfront, Bayview, and parts of South of Market. A staff report will be available in conjunction with the presentation.

Preliminary Recommendation: Informational Presentation, No action Requested

SPEAKERS: None

ACTION: Without hearing, continued to October 27, 2005

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: S. Lee

27. 2005.0524T (S.)  
DENNIS: (415) 558-6314)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS - Consideration of an ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process" by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas.

Preliminary Recommendation: Approve with Modifications

**NOTE: On August 4, 2005, following public testimony, the commission president directed that this item be calendared for discussion at all commission hearings through September 15, 2005 with possible action on September 15, 2005.**

**NOTE: On September 15, 2005, the commission continued the item to October 6, 2005 by a vote +4 -0. Commissioners Hughes, Olague, W. Lee were absent.**

SPEAKERS: None

ACTION: Without hearing, continued to October 20, 2005

AYES: Antonini, Alexander, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: S. Lee

#### H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

10:42  
p.m.

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, MARCH 16, 2006**

SPEAKERS: None

ACTION: Approved

AYES: S. Lee, Antonini, Huges, Olague, W. Lee

ABSENT: Alexander, Bradford-Bell



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*City and County of San Francisco*

## ***Planning Department***

October 20, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

## **Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 20, 2005**

**1:30 PM**

**Regular Meeting**

DOCUMENTS DEPT.

DEC 19 2006

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Sue Lee; Dwight Alexander; Michael Antonini;  
Shelley Bradford Bell; Kevin Hughes; Christina  
Olague and William L. Lee

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE  
AT 1:45 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry  
Badiner – Zoning Administrator; Rick Crawford; Jonathan Purvis;  
Glenn Cabrerros; Sharon Young; Michael E. Smith; Delvin  
Washington; Sara Velve; Paul Maltzer; Mark Luellen; Joy Navarrete;  
Sara Dennis; Linda D. Avery – Commission Secretary.

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0196D (R. CRAWFORD:  
(415) 558-6358)

101 POPPY LANE - north side past Diamond Street. Assessor's Block 6713 Lot 056 - **Request for Discretionary Review** of Building Permit Application No.2004 0915 4254 to construct new three story, single family dwelling on a vacant interior lot, in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Take Discretionary Review and modify the project.

(Continued from Regular Meeting of September 15, 2005)

**(Proposed for Continuance to October 27, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Alexander & Olague

2. 2005.0796T (J. SWITZKY:  
(415) 575-6815)

C-3 DISTRICT PARKING CONTROL MODIFICATIONS-  
**Consideration of an Ordinance amending San Francisco Planning Code by amending Section 151, 151.1, 154, 155, 155.5, 166 and 167** to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs and adopting environmental findings and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Pending

**(Proposed for Continuance to October 27, 2005)**

SPEAKERS: None

ACTION: Continued as proposed

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Alexander & Olague

- (J. SWITZKY:  
(415) 575-6815)

3. 425 FIRST STREET (ONE RINCON HILL) - Motion to Waive Rincon Hill Community Infrastructure Impact Fees per Section 318.3(f) -  
The Planning Commission approved a project at 425 First Street on August 4, 2005, that includes approximately 710 dwelling units. Planning Code Section 318.3(b)(i) requires payment of \$11.00 per net occupiable square foot of residential development for the Rincon Hill Community Infrastructure Fund prior to issuance of site permit. The project construction is divided into two phases, the first of which would require a payment of approximately \$4,580,000. The project sponsor has entered into a Waiver Agreement with the City, to the satisfaction of the Planning Department and City Attorney, to secure the formation of a Community Facilities (Mello-Roos) District and to take all necessary steps to support the construction of a portion of the public improvements, equal to the value owed by the sponsor, and described in the Planning Code 318.6 and in the Rincon Hill Plan.

Preliminary Recommendation:

**(Proposed for Continuance to October 27, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander & Olague

4. 2005.1270DDD (M. SMITH:  
 (415) 558-6332)

4231-33 24<sup>TH</sup> STREET - south side between Diamond and Douglass Streets, Lot 044 in Assessor's Block 6505 - **Requests for Discretionary Review** of Building Permit Application No. 2004.07.19.9187, proposing to construct a one-story vertical addition on a nonconforming mixed-use building, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.  
 Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 17, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander & Olague

5. 2004.0646E (R. DEAN:  
 (415) 558-5980)

263-265 DOLORES STREET - **Appeal of Preliminary Mitigated Negative Declaration** - construction of three-unit residential building. The proposed project is the construction of a new four-story, three-unit residential building to the rear of an existing three-story, three-unit residential building. The project would result in a total of six off-street parking spaces provided at ground level in the new building. The project would require demolition of an existing carport/storage structure. The proposed project site is located on the eastside of Dolores Street between 15<sup>th</sup> and 16<sup>th</sup> Streets, Assessor's Block 3556, Lot 30. The project site is located in the RM-1 (Residential, Mixed, Low Density) District and within the 40-x Height and Bulk District.  
 Preliminary Recommendation:  
 (Continued from Regular Meeting of September 8, 2005)  
**(Proposed for Continuance to December 8, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander & Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Commission Comments/Questions  
**Commissioner Antonini:**

1. Comment on a couple things of importance that relates in particular to some moves that have been expressed by members of the Board of Supervisors in regards to inclusionary housing--some possible changes; and particularly to an editorial in today's Examiner which talks a little bit about this.
2. We are in the process of considering Better Neighborhoods and Eastern Neighborhoods.
3. My comments are that this -- everything has to work together and that we have to look at the big picture and not center on merely one part of it as in the inclusionary housing.
4. I'm afraid we could be developing the perfect storm that could eliminate a lot of



housing demand in San Francisco.

5. We could conceivably see and increase the percentage of inclusionary housing at the level at which the inclusionary housing might be assessed.
6. I spent some time reading the Downtown Plan as well as read – which was an excellent document - the Housing Inventory document. An interesting thing was pointed out, and that was that we had been building affordable housing.
7. In fact, from 1996 to 2002, 375 units were built which represents 25% of all units built in San Francisco during that period. That does not include public housing.
8. You cannot exclude certain parts of the housing market and say we are only going to consider this part of it. I personally feel that these issues may have a very deleterious effect as I mentioned earlier on the production of new housing. But more importantly, I think that they do not address the real need. The real need is the so-called middle class or working class of the City who makes too much money to qualify for the present inclusionary housing and yet do not have enough income to afford market rate housing. These things only drive the market rates up higher.

#### **Commissioner Bradford-Bell:**

1. This Tuesday at the Redevelopment Agency, several members from the Hunters Point project Area Committee spoke out in strong protest against the status of the Environmental Impact Report in the Bayview, and I feel there are some complications surrounding that.
2. I have spoken to Director Macris about it.
3. I know that Director Rosen will be at the PAC meeting.
4. There is a meeting at Redevelopment today to talk about it and find out where we are.
5. I am requesting that we calendar an informational item under the Director's Report for next week, because I have a lot of questions and I am hoping that we can have that on the agenda next week to get an update of what has transpired, what our role is, where the EIR is at the moment, what needs to be done, what kind of solutions we are putting forward because the community is very concerned that they are being asked to wait on the EIR but Planning is still doing projects in the community.

### **C. DIRECTOR'S REPORT**

7. Director's Announcements  
**None**

1. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

#### **BoS:**

1. The Sacramento Street Neighborhood Commercial District amendments sponsored by Supervisor Alioto-Pier to allow an expansion of University High School were finally passed by the Board two days ago on Tuesday, along with the legislative setback line amendments along Clement Street to allow the Beth Shalom project to proceed. Both of these were passed unanimously consistent with your recommendations.
2. 1070 Sanchez Street – an item that appears on your calendar today--a Discretionary Review. This is a project on which the CEQA document was appealed. That appeal was held on Tuesday at the Board. The Board unanimously upheld the Department's determination that the project was categorically exempt from environmental review.
3. ***In our actions category:*** A number of changes have been made to medical

cannabis dispensaries. Largely in keeping with your recommendation, Supervisor Mirkarimi's proposed ordinance has progressed. It's been reviewed by the Budget and Finance Committee. It's been reviewed at the full Board of Supervisors and continues now until next week for a potential adoption on first reading.

4. A couple of changes to that ordinance in keeping with your recommendations, the Supervisor has made allowances for two dispensaries in the City to operate on a 24-hour basis.
5. A number of changes include the modification of controls to not permit dispensaries in either M District or in South of Market District. This is a change with a substantial geographic element to it.
6. With respect to this ordinance, there has been an amendment to require that you hold a mandatory discretionary review hearing for all medical dispensary permits filed within the City.
7. ***Moving on to Introductions:***
8. Supervisor Duffy has introduced an ordinance that would modify the zoning controls on 24<sup>th</sup> Street in Noe Valley in order to allow a limited number of full service restaurants. Right now the code does not allow any new full service restaurant in Noe Valley.
9. This ordinance will be coming before you in the next several months.
10. Supervisor Daly introduced an ordinance that deals not with the Planning Code, but rather with the Subdivision Code. Although this will not come to you, it is relevant.
11. This proposed ordinance would require all condominium conversions that are processed through the city's lottery to be reviewed by the Planning Commission for consistency with the General Plan. Right now the Planning Commission only review conversion projects of five or six-units. This would effectively include three and four-unit condo conversions as well.
12. Supervisor Daly also introduced a draft of an ordinance regarding inclusionary housing amendment to take the existing percentages of 10 and 12% for as of right and conditional permitted projects respectively, and increase those percentages to 15 and 20%.
13. Supervisor McGoldrick also introduced an ordinance to take the threshold at which the inclusionary housing requirement is assessed--which is currently projects of ten-units or more--and lower that threshold to five or more units.
14. In other words, multi-family housing projects of five or more units would be subject to your inclusionary housing policies.

**BoA:** None

#### 9. Discussion of Dwelling Unit Mergers

**SPEAKERS:** None

**ACTION:** Meeting held. No Action. President Lee instructed staff to contact known individuals and organizations that are concerned about this issue so they know about what we are doing. Staff urged the commissioners to call [us], because without your thoughts it is going to be hard to come up with a revised plan. Without a vote it was decided to bring this back on November 17, 2005.

#### D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your

opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**NONE**

**E. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

***THIS ITEM WAS PULLED OFF CONSENT CALENDAR AND HEARD UNDER THE REGULAR CALENDAR***

10. 2004.0895C (R. CRAWFORD:  
(415) 558-6358)

4 CRAUT STREET - south side (at Mission and Trumbell Streets, Assessor's Block 5868 Lots 006 and 007) - **Request for Conditional Use authorization** under Planning Code Sections 121.1 to develop a lot greater than 10,000 square feet in area in a NC-2 district. The Project would construct a three-story mixed-use building with 18 dwelling units and 1,500 square feet of commercial space. The subject property is 14,076 square feet in area. This project lies within a NC-2 (Small Scale Neighborhood Commercial) District and within the 40-X Height and Bulk Districts.

Preliminary Recommendation: Approval

**SPEAKERS:**

**Malcolm Morrison, Morrison Architects**

1. The lot, in short, is a dumping ground and has been for many years. Even though it has been fenced, the fence does not last very long.

**Name no stated**

1. We did not receive any notice in regard to this project.
2. We have no plans of the building
3. The neighborhood should be notified properly.

**ACTION:**

Approved as amended:  
Pursuant to the requirements of the  
Administrative Code, the Project shall be  
subject to the terms and requirements of the  
First Source Hiring Program.

AYES:  
Lee, Olague

Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W.

MOTION: 17125

**•RE GULAR CALENDAR**

11a. 2004.1272DDV

(J. PURVIS:

(415) 558-6354)

600 KANSAS STREET (AKA 2111 18<sup>TH</sup> STREET) - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.21.3730, proposing to convert the existing single-family dwelling at 600 Kansas Street into a two-family dwelling following the subdivision of an existing lot into two lots, with off-street parking provided on the newly created adjacent lot, subject to granting of a parking variance by the Zoning Administrator; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary review and approve the building permit as it has been submitted.

(Continued from Regular Meeting of September 8, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to November 17, 2005.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Alexander and Olague

11b. 2004.1272DDV

(J. PURVIS:

(415) 558-6354)

600 KANSAS STREET (AKA 2101-2103 18<sup>TH</sup> STREET) - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Discretionary Review** of Building Permit Application No. 2005.01.21.3740, proposing to construct a new two-family dwelling on a newly created lot at the southwest corner of Kansas and 18<sup>th</sup> Streets following the subdivision of an existing lot into two lots; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary review and approve the building permit as it has been submitted.

(Continued from Regular Meeting of September 8, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to November 17, 2005.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Alexander and Olague

11c. 2004.1272DDV

(J. PURVIS:

(415) 558-6354)

600 KANSAS STREET (AKA 2111 18<sup>TH</sup> STREET) - west side south of 18<sup>th</sup> Street; Lot 001 in Assessor's Block 4029 - **Request for Parking and Rear yard Variances** to subdivide a 5,000 square-foot lot into two lots, with an existing single-family dwelling on one 2,950 square-foot lot fronting solely on 18<sup>th</sup> Street and a proposed new two-family dwelling to be built at the corner on a 2,050 square-foot lot. The rear yard for the existing building would be provided within a 15-foot setback on the east side (between the existing and proposed buildings) and no off-street parking would be proposed for this lot, requiring both rear yard and parking variances; in an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of September 8, 2005)

SPEAKERS: None

ACTION: The Zoning Administrator continued this item to



November 17, 2005.

12. 2005.0672DDD  
(415) 558-6358)

(R. CRAWFORD:

**324 LIBERTY STREET** - north side between Church and Sanchez Streets. Assessor's Block 3605, Lot 042A - **Request for Discretionary Review** of Building Permit Application No. 2005 0502 1301 to remove an existing rear deck and construct a one story addition to the rear, in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

**SPEAKERS:**

**Claire, Property Owner**

1. We wanted to take advantage of our back yards and view and create space for guests and the expansion for our family.
2. The design is mindful of the neighborhood character and has the least impact possible to its surrounding.
3. Our outreach included meeting with the community review board--and they felt comfortable with our proposal.
4. The proposed addition adds 245 square feet that includes a master bedroom with closet and a bathroom.
5. There will also be a deck on top of the addition connected to the second floor.
6. All windows in the house will be upgraded to double panels.

**ACTION:** Did not take Discretionary Review and approved the project.

**AYES:** Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

13. 2005.0751D  
(415) 558-6169)

(G. CABREROS:

**733 27<sup>TH</sup> AVENUE** - west side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1617 - **Request for Discretionary Review** of Building Permit Application No. 2004.05.12.3640, proposing to construct a new third floor, a rear horizontal addition and a side horizontal addition to the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

**SPEAKERS:** None

**ACTION:** Without hearing, continued to December 15, 2005.

**AYES:** Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

**ABSENT:** Alexander and Olague

14. 2005.0270D  
(415) 558-6346)

(S. YOUNG:

**655 43<sup>RD</sup> AVENUE** - west side between Anza and Balboa Streets; Lot



009 in Assessor's Block 1586 - **Request for Discretionary Review** of Building Permit Application No. 2004.08.03.0516, proposing to construct a two-level horizontal addition at the first and second floors, two-level decks, and egress stairs at the rear of a three-story, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKERS: None

ACTION: Did not take Discretionary Review and approved the project.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

15. 2005.0622D (T. WANG:  
(415) 558-6335)

19 ROSEWOOD DRIVE - northeast side between Brentwood Avenue and Ravenwood Drive; Lot 035 in Assessor's Block 3039 - **Request for Discretionary Review** of Building Permit Application No. 2005.03.21.7964, proposing to alter and add to the existing two-story over basement, single-family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**DISCRETIONARY REVIEW APPLICATION WITHDRAWN**

16. 2004.0603D (M. SMITH:  
(415) 558-6332)

195 MIRALOMA DRIVE- east side at Yerba Buena Avenue, Lot 043 in Assessor's Block 2973A - **Request for Discretionary Review** of Building Permit Application No. 2005.04.05.9206, proposing to construct a horizontal addition that would partially infill the courtyard at the rear of a single-family dwelling and construct a horizontal addition at the garage level at the front of the building, located in a RH-1(D) [Residential, House, One-Family (Detached)] District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed

SPEAKERS:

**Ray Cole, Discretionary Review Requestor**

1. Their soil report indicates there are four or five unstable feet that they are going to build this on.
2. The planner saw the lateral movement in the retaining wall.
3. This is a hazardous site. And because it is a hazardous site we agree with the soil engineers report which cautious, and I quote "utmost care should be exercised in avoiding damage to the other property."
4. The tiers should be carried five feet into rock from 10 to 20 feet below existing grade.
5. Despite these clear recommendations the structural engineer does not indicate the depth of the piers or the size of the piers.
6. They failed to show drainpipe termination and failed to indicate details of drainage.

**Ken Snyder, Property Owner**

1. I think we have entered into this project with a spirit of cooperation. We provided information to each of our neighbors.
2. The elements themselves will have a minimal impact on the neighbors.
3. The dining room in the rear is a partial courtyard on level ground.
4. The six-foot addition to the front of the house is just to provide a balcony and extend the room underneath.
5. We provided information including the soil report.

**ACTION:** Did not take Discretionary Review and approved the project.

**AYES:** Antonini, Alexander, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford Bell

17a. 2005.0810D  
(415) 558-6332)

(M. SMITH:

1070 SANCHEZ STREET - west side between 24<sup>th</sup> and Elizabeth Street, Lot 003 in Assessor's Block 3654 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2004.05.27.5002, proposing to demolish a one-story over garage single-family dwelling, located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

**Preliminary Recommendation:** Do not take Discretionary Review and approve demolition.

**SPEAKERS:**

**Alice Barkley, representing the Project Sponsor**

1. There are three major components that make this building unsound
2. One is that the roof rafters are inadequate. In order to fix it, you have to take the roof off so that you can get in the structure. In evaluating the replacement cost, we don't want to get rid of the interior and then get into areas that are not permissible because they may be considered cosmetic.
3. The second is the foundation. The mortar has absolutely no integrity left. The foundation cannot support the vertical force. It has to be replaced.
4. Finally, some of the major beams and columns in the basement area that support the building—they are not even continuous—are sort of spliced together. There is a need for a steel frame to replace that so that the building is rehabilitated. If it is rehabilitated it will be able to support the upper floor.

**Tracy Hughes, Discretionary Review Requestor**

1. The pine tree is indeed rare. We only have four or five of them in our urban forest in our neighborhoods.
2. What is going on here with this project is--even though they say they want to protect this tree--they're going to take out 40% of the roots.
3. If they are concerned about saving the tree, they need to redesign the plans.

**Collins Brennan, Property Owner**

1. Requested the Commission to approve the demolition and new construction of his property.
2. This is the only way economically we can live in Noe Valley.

3. This house has met all the criteria for demolition. Please approve our design.

**Lori Brennan**

1. Asked Commission to approve their project.

**Angus McCarthy**

1. Spoke in support of the Brennans and in favor of this project.

**Joe Buttler, Architect**

1. At Monday's hearing, the Secretary of the Landmarks Preservation Advisory Board acknowledged to the Board of Supervisors that in his personal opinion there are buildings here of a quality to support designation of a local historic district.
2. According to the Planner, the Department can only conclude the building is sound because the costs included in the soundness report are base on shortcomings in the existing house that are not needed repairs to make the building habitable as per Department's requirements.
3. He also stated that in many places in the report are devoted to structural deficiencies with little discussion of the building's other problems.
4. Asked the Commission to take Discretionary Review and disapprove the demolition permit.

**Joe O'Donoghue**

1. First you should not that Collin Brennan is not an RBA member.
2. Supports both the family and this project.

**ACTION:** Did not take Discretionary Review and approved the demolition.

**AYES:** Alexander, Antonini, Bradford Bell, S. Lee, W. Lee

**NAYES:** Hughes and Olague

17b. 2004.0811D  
(415) 558-6332)

(M. SMITH:

1070 SANCHEZ STREET, west side between 24<sup>th</sup> and Elizabeth Street, Lot 003 in Assessor's Block 3654 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2004.05.27.5004, proposing to construct a three-story over garage two-family dwelling, located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications

**SPEAKERS:** Same as Item 17a.

**ACTION:** Took Discretionary Review and approved as modified:

In addition to the language that the property

owner will implement the recommendations outlined in the arborist report and will further implement arborist implementation before and post construction to preserve the viability of the 33-inch diameter Norfolk Island pine tree to be retained at the rear of the project site.

AYES:

Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W.

Lee

NAYES:

Olague

18. 2005.0258D (D. WASHINGTON:  
(415) 558-6443)  
74 WHITNEY STREET - west side of Whitney Street. Assessor's Block 6654 Lot 020 - **Request for Discretionary Review** to construct a new third-story to an existing two-story single family residence in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk district.  
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

**SPEAKERS:**

**Arthur Richie, Discretionary Review Requestor**

1. Very concerned and opposed about the loss of natural light to his building as a result of this project.

**Vince Ammirato, representing the Project Sponsor and Architect**  
- Gave an overall presentation of the project design.

**Frank Schiler, Property Owner**

1. Wants to remains in the City.
2. Wants to be able to provide his family with a reasonable amount of living space and wants to live within his means.

**ACTION:** Did not take Discretionary Review and approved the project.

AYES:

Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W.

Lee, Olague

19. 2004.0876C (S. VELLVE:  
(415) 558-6263)  
2000 VAN NESS AVENUE- northeast corner at the intersection of Van Ness Avenue and Jackson Street; Lot 005 in Assessor's Block 0595 - **Request for Conditional Use authorization** pursuant to Sections 209.6 and 303 of the Planning Code to install a total of six (6) antennas and related equipment cabinets on the roof of an existing 100-foot tall commercial structure, known as the Medical Arts Building, as part of Cingular's wireless telecommunications network within an RC-4 (Residential-Commercial Combined) District, the Van Ness Special Use District and an 80-D Height and Bulk District, the proposal is a Preferred Location Preference 4 as it is a wholly commercial structure.  
Preliminary Recommendation: Approval with conditions  
(Continued from Regular Meeting of October 6, 2005)

**SPEAKERS:** None

**ACTION:** Approved

AYES: Alexander, Antonini, Hughes, S. Lee, W. Lee, Olague  
 NAYES: Bradford-Bell  
 MOTION: 17126

20. 2001.1149E (P. MALTZER:  
 (415) 558-5977)

**SUNOL/NILES DAM REPLACEMENT PROJECT - Consider authorizing the Environmental Review Officer to take supplemental public testimony at an additional hearing on the Draft EIR for the San Francisco Public Utilities Commission's Sunol/Niles Dam Replacement Project in a jurisdiction outside the City and County of San Francisco.** The Planning Commission is scheduled to hold a hearing on the draft EIR on December 1, 2005. The Planning Commission may also authorize the Environmental Review Officer to hold additional public hearings, as provided in San Francisco Administrative Code Sections 31.05 and 31.14. Because the Sunol/Niles Dam Replacement Project will affect the area in and around the Sunol Valley, which is near the city of Fremont in Alameda County, the Environmental Review Officer recommends holding an additional public hearing in Fremont and is requesting authorization from the Planning Commission to do so.

Preliminary recommendation: Authorize the Environmental Review Officer to conduct an additional public hearing on the Draft EIR for the Sunol/Niles Dam Replacement Project in Fremont, CA.

SPEAKERS: None

ACTION: Approved authorization of the Environmental Review Officer to conduct an additional public hearing on the Draft EIR for the Sunol/Niles Dam Replacement Project in Fremont, CA.

AYES: Alexander, Antonini, Bradford Bell, S. Lee, W. Lee, Olague  
 ABSENT: Hughes  
 MOTION: 17127

21. 2005.0301L (M. LUELLEN:  
 (415) 558-6478)

**2151 VAN NESS AVENUE, ST. BRIGID CHURCH - southwest corner of Van Ness Avenue and Broadway. Assessor's Block 0575, Lot 15 - The proposal is to designate the property as City Landmark No. 252.** Constructed between 1902 and 1904, St. Brigid Church was built in a "Richardsonian Romanesque Revival" style over several phases. The subject property is within an RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Avenue Special Use District, and an 80-D Height and Bulk District. Request for the Planning Commission to adopt a resolution approving the designation of St. Brigid Church and recommending to the Board of Supervisors that they approve the designation that they initiated on April 1, 2005.

Preliminary Recommendation: Adopt a resolution supporting landmark designation.

SPEAKERS:

**Joe Dignan**

1. We are dedicated to saving and preserving St. Brigid for future generations of



San Franciscans.

2. The Archdiocese of San Francisco has sold and closed escrow on St. Brigid Church to a newly formed limited liability company
3. The Diocese has determined to remove much of the historic fabric of the interior of the building

**Anthony Jones, representing the Academy of Our University and  
2151 Van Ness Avenue, LLC**

1. On behalf of these two entities, I'm stating for the record an objected to the landmark designation being applied to St. Brigid Church.

**Alice Barkley**

1. About three hours ago the Archdiocese asked me to speak on this matter. I have just read the staff report.
2. The Archdiocese has sold this building to the Academy of Art, so it is not longer the owner.
3. This building will no longer be a church.
4. The Archdiocese objects to the definition to the interior space.
5. First, Article 10 does not go into the interior of private property. Only public property that can have interiors designated.
6. All of the items listed are the personal property of the church.
7. You cannot tell the church that they cannot take their personal property away.
8. I think you have to be very cautious when you start to reach into the personal property of the church, because there is still a separation between church and state.
9. You cannot take their property and put it in the public domain.

**John Gregson, Committee to Save St. Brigid Church**

1. There maybe something there regarding easily movable property and things, but we clearly admit we are in somewhat new ground here and that is going to be worked out with the Planning Department as we go forward.
2. We would also like to thank the Academy of Art for publicly endorsing the preservation of this magnificent gift for all future generations.
3. Interiors of private buildings can be landmarked. The Garden Court of the Sheridan Palace Hotel is one.

**Joe O'Donoghue, Residential Builders**

1. The Church is no more a church
2. This is emphasized by the cavalier attitude the Archdiocese took toward its parishioners.
3. Let me also say that a fixture is a fixture, is a fixture.
4. Just like the stained glass windows that they might remove. They're fixtures.
5. What the church is doing is destroying the values and shows a contempt for culture when it decided that they are ignoring the great mason work that went into this.
6. If you are going to be an art, art is supposed to be revolutionary, set standards for values. They also have an obligation to set new standards to cultural not to manifestation of materialism.
7. At least we are honest about it we are for profit.

**Vincent Marsh**

1. For a number of years, I staffed the landmarks program and was retained by the St Brigid Committee to do the nomination for the church.
2. Passed forward a letter from the Friends of 1800 Market Street in support of a nomination and indicates that this property was placed on the national register in 1995. In that nomination the interior and exterior features of the building were called out.
3. A national register nomination as well as a local nomination does not restrict the use of a property, the maintenance or sale of a property as evidenced by the fact the property is already transferred.
4. The Planning Code does indicate that a property such as this has special character or historical architectural interest and value as a landmark and clearly St. Brigid meets this criteria
5. Urged the Commission to endorse the landmark case report, motions and resolutions as drafted.

**Erin**

1. We have been strong supporters of the efforts to save and preserve this church. The nomination does a very good job of explaining the features of the building that make it worthy of being a landmark.
2. The recognition is absolutely worth it.
3. It is at a very pivotal time right not with it changing hands and there are a lot of opportunities here for the new owner to develop the property.
4. If it is not landmarked, there is no protection for any of the features.

**Sue Maywall**

1. Addressed the argument about the ownership of the property, we give donations to the church not the diocese.

**Steve Steelman**

1. Why is the building is not worthy of historic preservation?
2. The fabric of the building includes both the interior and exterior of the building.
3. Harry Clark who is a stained glass artist from the early part of the 20th Century in Ireland made the windows. Every single window that he made in Ireland is preserved - is designated as worthy of historic preservation.

**Dennis Conrad**

1. A church is more than just a building or a house of worship. It is a monument of culture.
2. If we don't take care of them, we don't deserve our future.

**January Robinson**

1. Supports the preservation of the church.
2. It's exterior is worthy of contemplation, but it's only upon entering the sacred edifice that it is real. This is when beauty may be appreciated.

**Tom Christian**

1. The new owner of the property is probably the best chance to save St. Brigid.
2. The Academy of Art has paid for the property and has already publicly stated they will pay for its seismic retrofit.
3. Retrofitting by its very nature can be invasive.

4. The church has been remodeled since it was first build.
5. It is not as it is shown in these pictures today.
6. I believe there already exists a recorded instrument at the recorder's office at the Archdiocese recorded prior to selling the property where a man posed upon the property a moratorium on its demolition for a period of time that survives the sale of the property and is on title as a deed restriction.
7. It is my understanding that the Academy of Art fought very hard with the Archdiocese to assure the same stained glass windows stayed with the property after it was sold.

**Ed Conlan, speaking on behalf of the Academy of art**

1. The Academy has stated it is their intent to preserve the church in its entirety
2. The stained glass windows will be kept intact.
3. The church has been neglected for 12 years and we would like to get it cleaned up and back operational and open to the public again.

**Merrill**

1. Is in favor of landmarking the church.

•**Richar ds**

1. Asked the Commission to approve the application.

**Kenneth**

1. Reviewed the provisions of Article 10 of the Planning Code as it relates to the preservation of building interiors.
2. Spoke in favor of the Commission's support of this application.

**ACTION:** Approved as amended: Number 7 was split and created Number 8. Numbers 9, 10, and 11 are new.

8. The Planning Commission recommends that the Board of Supervisors protect by legislation or ordinance the following interior features to the full extent of the law.  
**Interior**

The interior features to be preserved include: the dark wood paneled narthex, the nave with lower side aisles, transepts and rear choir gallery; the chancel, sacristy, and other spaces at the west end; the stilted-arch arcades; the columns with Romanesque capitals (clad in spirally striped marble); the shallow arch ceiling; the stringcourse of angels and heads circumscribing the main space between the arcade and clerestory, the 10-foot high clerestory statues of angels with outspread wings (sculpted by John A. McQuarrie, alike but in different poses representing the opening sentences of the Mass); the marble sculptures representing the Stations of the Cross, the rounded chancel and half-dome ceiling; the lincrusta wainscoting; the carved-end oak pews; the silver-colored pipes announcing the rear gallery and organ loft; the Rufatti organ; and the stained glass windows (Harry Clarke Studios; Dublin, Ireland).

Other interior features to be preserved also include the wood carved pulpit, wooden interior doors, baptismal font,

confessionals, holy water font (angel wings), marble altar, decorative wood floor, decorative wall behind and above the tabernacle, the wooden wainscot, and the church bell. The interior features to be preserved include not only items that have been annexed to the realty by some type of permanent attachment, but also those items that are technically moveable but have been in place of a long time, such as statues. An inclusive list "Historic inventory of Interior Features" is included in the designation report.

9. The designation of St. Brigid Church meets the required findings of Planning Code Section 101.1 in the following manner:

10. The proposed Project will further Priority Policy No. 7, that landmarks and historic buildings be preserved, such as the designation of the St. Brigid Church as City Landmark No 252. Landmark designation will help to preserve a significant historic resource associated with patterns of social and cultural history in San Francisco.

11. That the proposed project will have no significant effect on the other seven Priority Policies: the City's supply of affordable housing, existing housing or neighborhood character, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, or public parks and open space.

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

RESOLUTION: 17128

22. 2004.0027E  
(415) 558-5975)

(J. NAVARRETE:

**900 MINNESOTA - Public Hearing Draft Environmental Impact Report** - The proposed project would include the development of approximately 142 residential units, approximately 6,300 gross square feet (gsf) of office space, about 2,100 gsf of café space, and a 168-space underground parking garage on an approximately two-acre site in San Francisco's Central Waterfront district. The project site is located on the northern half of the 900 block of Minnesota Street, between 20th and 22nd Streets, at the street addresses of 900, 910-12 Minnesota Street and 833 Indiana Street (Assessor's Block 4106; Lot 27). The project site, which is currently unoccupied, consists of six buildings totaling approximately 144,000 square feet; a surface parking area; and three gardens and other landscaping, that make up the C. Schilling & Co. Wine Cellars complex, a contributor to the Dogpatch Historic District. The site was most recently the headquarters of the Esprit de Corp. clothing company. The proposed project would be developed through adaptive reuse of two large brick buildings, demolition of four structures, and new construction. The portion of the project site for which new development is proposed is within an M-2 (Heavy Industrial) District, and the southwestern portion of the site is within an RH-3 (Residential, House Three-Family) District. The site is also located within the Central Waterfront Better Neighborhoods Plan Area, and the Dogpatch Historic District.

Preliminary Recommendation: No Action Required. Public hearing to



receive comments only.

**Note: Written comments will be received at the Planning Department until 5:00 p.m., on October 25, 2005**

**SPEAKERS:  
Harry Collin**

1. Where is the public file for the public to read? Can you show it to me here please?
2. Why is it not here on the table so I could read it and maybe make some substantial comments?
3. In the future I would like...; Any subject matter should be available for the public here on public display.

**ACTION:** Meeting held. No Action at this time.

## 6:00 P.M.

23. 2005.0524T (S.

DENNIS: (415) 558-6314)

BETTER NEIGHBORHOODS PLUS TEXT AMENDMENTS -

Consideration of an ordinance [Board of Supervisors File Number 050601] which would establish a "Better Neighborhoods Planning and Implementation Process" by (a) adding Chapter 36 to the Administrative Code in order to set forth uniform procedures for developing comprehensive neighborhood plans, (b) amending Administrative Code Section 3.4 to provide for integrated budget documents, and (c) adding Section 312A to the Planning Code regarding discretionary review for projects located within plan areas.

Preliminary Recommendation: Approve with Modifications

(Continued from Regular Meeting of October 6, 2005)

**NOTE: On August 4, 2005, following public testimony, the commission president directed that this item be calendared for discussion at all commission hearings through September 15, 2005 with possible action on September 15, 2005.**

**NOTE: On September 15, 2005, the commission continued the item to October 6, 2005 by a vote +4 -0. Commissioners Hughes, Olague, and W. Lee were absent.**

**SPEAKERS ON THE CONTINUANCE REQUEST:**

**Marilyn Amini**

1. This legislation has been substantially modified since it was formally introduced by Supervisor McGoldrick.
2. There have been no newspaper notices at all on this proposal.
3. There are a lot of things wrong with this and I think if you are showing good faith to the public, it should be continued.

**Unclear name**

1. Opposes the continuance.



**Tim Collins**

1. Urged that the Commission take the matter up tonight.

**[Unclear name]**

- Please continue the item.

**[Unclear name]**

1. If continued, do you lose the ability to make comments and hear those of us who have come here to speak?
2. I'm confused that you are allowed this continuance, or do you simply miss the chance?

**John Bardis**

1. Where did the ten pages of amendments come from?
2. Not from the legislative body
3. Not from you.
4. Then from whom?
5. Your action today should be to continue it so the legislation can be sent back to the Board. The Board should then submit those amendments on to the body and then have them come back to you.
6. You should not proceed with this legislation.

**Jeffrey Leibovitz**

1. I was a casual observer at two of these meetings where amendments were drafted; and at the first meeting just by chance. I happened to meeting with the sponsor of a project and was invited to a meeting on this right on the spot.
2. There have been substantive changes to the legislation, drafted and introduced by that committee.
3. I am a firm believer in the public process.
4. I believe the sponsor said at one of the hearings or one of the meetings that if the Planning Commission did not act on this, then it would be pulled from the Planning Commission and it would go through the legislative process of the Board of Supervisors regardless of what you do.
5. I believe that was a threat.
6. The reason I am asking you to continue this is because of the need for this to be digested by the public for the public's consumption so that you can receive input back and then you can give that input to the Board's committee of the Board of Supervisors who supposedly originated this.

**Eric Coleman**

1. Supports the continuance

**Alice Barkley**

1. I support the continuance.

**Judy Berkowitz**

1. I too support the continuance.

*PUBLIC COMMENT ON THE ITEM:*

**Bernie Choden**

1. This is an abrogation of the Planning Commission's duties. Changing the Planning Code so it is all one fabric is more professional of the planning activity.
2. If in fact there is a concern that it stays with the Board of Supervisors, there is much illegality to be concerned with.
3. The question of impact fees, a problem with inverse condemnation. That is very technical.
4. Under the new text fees can be levied both on existing as well as proposed development.
5. That can cause hardship and much need to have some process in regard to both harm we cause and paying out for that, as well as collecting fees from people who profit as a result of the public action of the public interest
6. There needs to be some oversight in terms of legal due process that needs to be done.

**Lois Scott, Vice President of the Planners Chapter of Local 21**

1. We believe that the 24-month limit is not going to be workable. In our experience it takes longer.
2. We were very concerned that the compressed time schedule not be used as an excuse for not having the Planning staff do it, but having outside consultants do it.
3. My third comment is much more favorable in that the funding mechanism of considering funding the environmental review work along with a part of the Better Neighborhoods project funding is a very good idea. We think this idea should be extended to all the work that Citywide Planning does.

**Ellen Kernigan**

1. In spite of the contentions of the authors of the ordinance before you, it is evident that it truly is not necessary to replace the Planning Code with this suggestion to the Administrative Code.
2. The Planning Department staff report of July 28, 2005 and the Housing Inventory Report of 2004 are two excellent proofs that were cited to you in September.
3. The necessity for this proposal is clearly that of the originators.

That is to abrogate the power of the Planning Commission and the public power lieutenants in order to allow developers with the Planning Department to fulfill their view of San Francisco's future. A future that is first and foremost profit motivated without regard to the community at large to not only foot the bill, but to have to live with the results ever after.

### **Penelope Clark**

1. I'm here to speak about the first draft of the current draft that regards changes to the Planning Code.
2. This proposed ordinance will now enable the Better Neighborhoods programs to move into older fully developed neighborhoods, which is going to cause great difficulties for those who already live there.
3. If developers feel the process is too slow, it is frequently because they do not try to analyze and modify in advance the negative effects their projects may have with them on their neighbors and on the character of the neighborhood—which will result in DR's being filed against their projects.

### **Hiroshi Fakuda**

1. If you go back to the original proposed ordinance, many people believe that we had three Better Neighborhood Plans in the past, which have been implemented and with some deal of success and that were done without any change in the Planning Codes.
2. So why do we need this?
3. Has the Planning Department made a study to let us know why we need this?

### **Robert Herman**

1. Speaking on behalf of the San Francisco Public Policy Committee of the AIA
2. We have reviewed the proposed draft for Better Neighborhoods planning and implementation process dated October 24 and found it better than the earlier draft due to the following changes:
3. The Plan Implementation Advisory Committee authority would now be limited to reviewing and advising changes to the state of the neighborhood reports provided by the Planning Department staff rather than reviewing individual projects within the plan area
4. This prevents the drain on Planning Commission authority over project reviews and strengthens the certainty of the provisions of the Neighborhood Plan.
5. Limiting the reduction of the building envelope of proposed projects to 5% under discretionary review procedures without eliminating affordable family size units ensures greater predictability for project sponsors and respects the intent of the neighborhood plans' guidelines on height, bulk, and density.

**Peter Cohen**

1. Speaking as an advocate for the legislation.
2. I've been involved helping to draft this and working with the City and the Supervisors' Office and many folks in this room for many months.
3. There are six neighborhood plans currently underway with varying degrees of success as well as problems
4. I think there is a need for consistency in our planning standards.
5. That is what really seems to be the immediate urgency as well as projecting forward how the City is going to continue to do neighborhood planning in the future.
6. This is really a package of good planning standards to try to achieve that consistency.

**Tim Coleman, Housing Action Coalition**

1. What is this legislation in response to that started over two years ago?
2. It came out of the ashes of the Prop A Housing bond when it was recognized that the City is not producing the housing it needs and in particular, affordable housing.

**Judy Berkowitz, San Francisco Coalitions for Neighborhoods**

1. I draw your attention to [the fact that] there are still no findings.
2. We don't know why we need this legislation.
3. Unfortunately, there is a downplay to CEQA.
4. I urge you to please send this to the Board with a negative recommendation.
5. One of the authors at this meeting even bemoaned the fact that the legislation had been taken over by, "downtown."
6. The process was deficient from the beginning. No neighborhood activists were in on it.

**Alice Barkley**

1. You are in a catch 22 situation and I would suggest you do this:
2. Page one through line 19 of the ordinance is totally out of your hands.
3. No matter what you do or say, nothing will be referred to you because it is not part of the Planning Code.
4. I suggest that you recommend whatever you want to—no action or no recommendation—on the original legislation referred to you dated April, whatever day, 2005.
5. And that you make absolutely no comment on the amended version that has not yet been introduced.
6. When the amendment is introduced at the Land Use Committee, the public can ask the whole legislation to be referred based on that

new amendment to you because that section is solidly within your jurisdiction.

7. That means that the resolution before you has to be changed.

### **John Bardis**

1. You have been given ample testimony that you had a deficient process.
2. Where is the evidence of any communication from the sponsor of the legislation to this commission that any amendments that have been made to the legislation that was originally referred to the Board?
3. I would really be surprised how the City Attorney could be saying to you and advising you that you have before you legislation that has amendments that have been properly put before this City legislative process through the Board and then properly communicated to you.
4. You don't even have before you anything from the supervisor saying this is what he wanted.
5. It came out of thin air.
6. It didn't come from the Department.
7. It didn't come from some body of evidence and these are the alternatives we considered and this is the best alternative and this is why it is the best alternative.
8. You have nothing like that in your case file that was given to you for review.
9. How can you possibly be making a decision, except out of thin air like it was created?

### **Fernando Marti**

1. I'm here to ask that you recommend this legislation to move forward to the Board of Supervisors.
2. I am one of the people that was involved in working with supervisor McGoldrick in helping to create the original legislation
3. We've been working on this for over two years.
4. One of the things I want to reiterate is the urgency of moving forward with this.
5. This legislation was begun by community members on the east side of the city, east side, south of Market, Potrero Hill, Central Waterfront
6. Various folks from those neighborhoods are extremely concerned about the way and speed that planning is taking place in those neighborhoods.
7. In particular with the rezoning and how we might be able to shape community benefits out of that.
8. That was the initial impetus for creating this legislation and for creating a way of mandating good community planning by taking the best things out of the Better Neighborhoods, taking some of the ideas out of Rincon Hill – public benefits that came out of that.
9. From the very beginning of the planning process we need to look at



how we are going to pay for infrastructure, how we're going to pay for housing. Those things need to be incorporated into plans.

10. That is why we in the Mission and the Dogpatch, Central Waterfront really began to put this together. It is why we approached Supervisor McGoldrick, Supervisor Maxwell, supervisor Mirkarimi and really crafted something we think has really brought together a lot of the folks that will be affected in those Eastern neighborhoods and in the rezonings that are happening right now.

### **Jeffrey Leibovitz**

1. I live in the eastern SOMA and I wasn't invited to participate.
2. I've had an opportunity to review the legislation and I do believe that there are some good things in it.
3. I've got some substantive changes I'd like in here and I don't understand why we can't incorporate them.
4. [This legislation] called out for specific exemptions to several neighborhoods that have gone through community planning for the last four, five, six, seven, eight years.
5. Why can't the Eastern SOMA be incorporated into those exemptions so we can get on the process?
6. When we began this, it was simple zoning controls to allow us to coexist with some pretty wild, wild west zoning in South Beach.
7. The Special Use District that was created so that our new emerging neighborhood could exist and it's flourished – and it has worked.
8. So why do we have to mire ourselves down in this entire process?
9. Please exempt us from the Better Neighborhoods process.

### **Stephen Battle.**

1. This whole process started two years ago when there was another piece of legislation introduced by Supervisor McGoldrick that was call Public Benefit Zoning that was completely unworkable.
2. After he withdrew it he convened a group of people to come up with an alternative. I was one of the people that was involved on and off over the last two years in that drafting group.
3. I don't think the legislation is perfect. What it is is a compromise that gives and takes away and it has reached a balance that I think is appropriate and I think will work.
4. I think the process tonight has been unfortunate because you didn't get these amendments until last Friday and the form you got them in was not a red line version so it is very difficult to tell what they are.
5. I also think it was unfortunate that you didn't get a staff report or recommendation to go through the amendments that were made.
6. I think pages 2 to 5 contain the substance of the amendments that have been put forth by Supervisor McGoldrick and the working group.
7. I would urge you to look at those changes.
8. I think those changes are all positive.

**Marilyn Amini.**

1. I think the most important thing about this legislation is that you as the Commission are created by Charter. The Charter's permits and licenses are dependent on the Planning Code and administered by the Planning Department, which shall be approved by the Commission.
2. The Commission may delegate disapproval for the Planning Department.
3. You can't delegate your hearing responsibilities, your approval responsibilities.
4. There should be no body of citizens sitting between the community and you.
5. They've taken it out of the public forum and given you amendments formally presented and you don't know that to do with them.
6. I ask that you please make a statement to the supervisor saying that you want the 90 days that the code gives you after modifications have been made to a piece of legislation that's come before you.

**ACTION:** Direct the Planning Director to confer with the maker of the legislation, Supervisor McGoldrick, to explore establishing a pilot program for an area to be initially agreed upon, to test out the elements in the legislation, and that in the meantime the Board of Supervisors does not take action on the legislation while we test it out.

**AYES:** Alexander, Antonini, Hughes, S. Lee, W. Lee, Olague

**ABSENT:** Bradford-Bell

**RESOLUTION:** 17129

**G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**SPEAKERS:**

**Jeffrey Leibovitz, Eastern SOMA**

1. We are very supportive of the recommendations and very thoughtful deliberations by the Commission tonight on [Supervisor McGoldrick's legislation].
2. I think you are headed in the right direction and I think that all of us will benefit from it
3. The legislation proposed is important and has some extremely good proposals in it.
4. It was just the process of where we got to and how we got to it that was very troublesome.

**Judy Berkowitz**

1. I address you tonight on SFGTV, Channel 26.
2. For several weeks you have not been simultaneously broadcast live on Thursday evenings.
3. There were five reruns of different Boards and Commissions that they put on instead of you.
4. I believe this is deliberate.
5. If you could perhaps take some action with SFGTV next to the Elections Department in the basement of City Hall, I would appreciate it.

**John Bardis**

1. Criticism of the Department regarding the processing of applications.
2. Currently the process allows an application to come in and the planner to negotiate back and forth with the applicant.
3. That should not be allowed.
4. The application should come in through the door; not be changed; be reviewed and either packed out or moved forward.
5. There should not be any negotiation taking place.
6. If you did that, you would have a problem then with what you are going to do with the time of your staff.
7. It may be that then long-range planning will have some time to be done in the city.

Adjournment:

10:  
07

**p.m.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, APRIL 6, 2006.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee; Alexander; Antonini; Hughes; Olague; W. Lee

**ABSENT:** Bradford-Bell







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*City and County of San Francisco*  
**Planning Department**

October 27, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

## **Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, October 27, 2005**

**1:30 PM**

**Regular Meeting**

DOCUMENTS DEPT.

DEC 19 2006

SAN FRANCISCO  
PUBLIC LIBRARY

**COMMISSIONERS PRESENT:** Sue Lee; Michael Antonini; Shelley Bradford-Bell;  
Kevin Hughes; William L. Lee; Christina Olague

**COMMISSIONERS ABSENT:** Dwight S. Alexander

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:38 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning, Larry Badiner –  
Zoning Administrator, Rick Crawford, Kelley  
Amdur, Daniel Sirois, Dan Dibartolo, Shaun  
Mendrin, Ben Fu, Glenn Cabrerros, Joshua Switzky,  
Jonas Ionin -- Acting Commission Secretary

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2005.0456EC (K. AMDUR:  
(415) 558-6351)  
55 PAGE STREET - south side between Franklin and Gough Streets, Lot 9 (formerly Lots 7 and 8) in Assessor's Block 854 - **Request for Conditional Use authorization** to modify conditions of approval for a previously approved residential project proposed for the subject site but not yet constructed. That project would remodel an existing building at 49 Page Street demolish an existing building at 53 Page St., and construct an 8-story residential building with 128 dwelling units, ground floor commercial space and 126 parking spaces in a below-grade parking garage. The proposed modifications would change conditions of approval (1) related to the Below Market Rate (BMR) units, to allow them to be sold rather than restricting them to rental tenure only and (2) to "un-bundle" the residential parking spaces (to allow units to be sold without parking spaces). This project is within an NC-3 District and an 80-A Height and Bulk District.  
Preliminary Recommendation: Approval w/conditions to "un-bundle" parking and Disapproval of ownership tenure for BMR units.  
(Continued from the Regular Meeting of ~~September 22, 2005~~ October 27, 2005)  
**(Proposed for Continuance to November 3, 2005 December 1, 2005)**

SPEAKERS: None  
ACTION: Continued to December 1, 2005  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander

- 2a. 2005.0480CV (J. PURVIS:  
(415) 558-6354)  
2814 JENNINGS STREET - west side at Egbert Avenue, Lot 001 in Assessor's Block 4912 - **Request for Conditional Use authorization** under Planning Code Sections 303 and 215(a) to allow conversion of approximately 4,000 gross square feet of commercial space into five dwelling units. Variances are sought for off-street parking, open space and rear yard. The site is within an M-1 (Light Industrial) Use District, a 40-X Height and Bulk District, the Restricted Light Industrial Special Use District, and an Industrial Protection Zone pursuant to Planning Commission Resolution No. 16202.  
Preliminary Recommendation: Pending  
**(Proposed for Continuance to November 17, 2005)**

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
ABSENT: Alexander

- 2b. 2005.0480CV (J. PURVIS:  
(415) 558-6354)  
2814 JENNINGS STREET - west side at Egbert Avenue, Lot 001 in Assessor's Block 4912 - **Request for Variances** from the Zoning Administrator for off-street parking, open space and rear yard in order to allow conversion of approximately 4,000 gross square feet of commercial space to five new dwellings units without access to parking or open space. The site is within an M-1 (Light Industrial) Use District, a 40-X Height and Bulk District, the Restricted Light Industrial Special Use District, and an Industrial Protection Zone pursuant to Planning

## Commission Resolution No. 16202.

**(Proposed for Continuance to November 17, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander

- 2c. 2005.0481V (J. PURVIS:  
 (415) 558-6354)  
 2826-2838 JENNINGS STREET - west side at Fitzgerald Avenue, Lot 002 in Assessor's Block 4912 - **Request for Variances** from the Zoning Administrator for off-street parking, open space and rear yard to allow conversion of approximately 1,200 gross square feet of commercial space to three new dwellings units without access to parking or open space. The site is within an RM-1 (Residential, Mixed, Low Density) Use District and a 40-X Height and Bulk District.  
**(Proposed for Continuance to November 17, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander

3. 2003.1108E (V. MASS:  
 (415) 558-5955)  
 450 FREDERICK STREET - Lot 012 of Assessor's Block 1262, bounded by Stanyan, Beulah and Shrader Streets - **Appeal of Preliminary Mitigated Negative Declaration** for the proposed demolition of a single-family residence and construction of a three-unit residence. The existing building is a 1,755-gross-square-foot (gsf) one-story-over-garage, single-family home, constructed in approximately 1897. The proposed project would result in the construction of a 5,550-gsf, four-story, three-unit residential building. The approximately 1,240-gsf ground floor would be used as a garage for the proposed three off-street parking spaces. The remaining three floors would each contain one two-bedroom dwelling unit. The proposed project would rise 40 feet from street level to the top of the parapet. The site is zoned RH-3 (House, Three-Family) and is in a 40-X height and bulk district.  
 Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration  
 (Continued from Regular Meeting of September 22, 2005)  
**(Proposed for Continuance to December 15, 2005)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 ABSENT: Alexander

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

1. Consideration of Adoption:

•Dr aft Minutes of Regular Meeting of January 27, 2005.

ACTION: Adopted as corrected showing that President Sue Lee called the meeting to order instead of Shelley Bradford-Bell, who was absent.  
 AYES: S. Lee, Antonini, Hughes, Olague, W. Lee  
 EXCUSED: Bradford-Bell  
 ABSENT: Alexander

●Dr aft Minutes of Regular Meeting of September 1, 2005.

ACTION: Adopted as corrected showing Commissioner Bradford-Bell absent.  
 AYES: S. Lee, Antonini, Hughes, Olague, W. Lee  
 EXCUSED: Bradford-Bell  
 ABSENT: Alexander

●Dr aft Minutes of Planning Director Search Subcommittee for July 21, 2005.

ACTION: Adopted  
 AYES: S. Lee, Antonini, Bradford-Bell, Olague  
 EXCUSED: Hughes and W. Lee  
 ABSENT: Alexander

●Dr aft Minutes of Regular Meeting of July 21, 2005.

ACTION: Adopted  
 AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
 EXCUSED: Hughes  
 ABSENT: Alexander

●Dr aft Minutes of Regular Meeting of August 4, 2005.

ACTION: Adopted  
 AYES: S. Lee, Hughes, Olague, W. Lee  
 EXCUSED: Antonini and Bradford-Bell  
 ABSENT: Alexander

5. Commission Comments/Questions

**Commissioner Antonini:**

1. Thanked David Alumbaugh on the presentation of the trip to Chicago.
2. There were some comments by the Board of Supervisors in regard to Home Depot. Some of the discussion was probably not exactly accurate as they were talking about the attentiveness of the Commission in regard to the EIR, which was certified around 10:30 p.m. I was just as alert at 2:30 a.m. because we had to move our cars there times that night to get them out of the garage and then off the street.
3. I had a question in regards to comments I had made regarding development fees being higher in San Francisco than I had particularly mentioned.

4. I think I need to clarify that where you are dealing with green fields, where you are dealing with new development, obviously where a developer is putting in all the infrastructure and all the street and all the plumbing, the fees of course are higher per unit.
5. I Did some research and had some material from John Landers at U.C. Berkeley, State Department of Community Development and San Francisco's fees are, at this particular time, comparable to most of the large cities, a little higher on average than Los Angeles and some of the other cities. So, in clarification, however, he did mention that these fees account to about 10% of the cost of housing, and up to 15% when you considered the most affordable housing.
6. Also, I am in receipt of a letter from Lucetta Dunn, Director of Housing and Community Development, State of California, and I think we're probably all aware of this already, but the law requires that the assistant development of adequate housing for the needs of moderate and low-income households, but does not specifically require that all jurisdictions have to have inclusionary housing.
7. In fact they do not mention here that local governments must analyze mandatory inclusionary policies as potential governmental constraints on housing production when updating the housing elements.
8. Essentially make sure we are not merely cost shifting to be able to subsidize these units, underwriting them by the purchaser of [a] market rate unit. So, I found this to be a very interesting correspondence and I'd like to give it to the secretary to have it copied and distributed to the other commissioners. They also made the point of mentioning inclusionary programs are a substitute for designating sufficient sites for lower income households on a regional level as required by governmental code Section 6.55.83.
9. I think it is pertinent as these discussions come forward here and in other governmental bodies in San Francisco that we are aware of what the State law is on this and what the interpretations are.

#### **Commissioners Bradford-Bell**

1. Another staff is going to get a little update later on the Bayview Area and what went on last week.
2. I do want to make a comment on yesterday's extremely unfortunate hearing at the Board of Supervisors.
3. Clearly one person or one voice has guided Supervisor Amiano into believing that we were loopy and confused and punch drunk at 2:30 in the morning making a decision.
4. This Commission, as has already been pointed out, made our decision much, much earlier in the evening around the EIR for Home Depot.
5. I think it is a travesty, it's really sad when we're all here working for the same goal, and that is the people of San Francisco, then when you can not come up with a relevant reason for denying something, a project, then you attack those that work beside you to get things done. We heard six hours of public comment, and then we took a decision. We heard another six hours of public comment, and then we made a decision. We could have gone home. We could have gotten in our warm beds and spent some time with our family. But instead we dedicated ourselves to making a decision around Home Depot.
6. It is an extremely emotional and volatile issue for the Bayview community.
7. I run a cultural center where right now we have to get somebody to take the graffiti off the walls from the last young person who was killed in Bayview, and [because of] the pain his friends have put it on our walls because of pain and hope – they need walls. It breaks out along color and economic lines. I am extremely offended that Supervisor Amiano would say, don't demonize us in the process, but he did it to us.
8. When this project came to us in 2003 the first time, we made a 60-day continuation on the Home Depot EIR because they brought it to us at the last minute and the Commission said, if we don't get it 30 days in advance, we don't review it.



9. So, we got the questions and responses to the DEIR 30 days in advance, we had 30 days, including the time we spent listening to the public at the hearing.
10. They answered questions – I had three pages of questions in the EIR and I made sure that when we I got the document, each of my questions were addressed specifically.
11. They flipped the building because I told them they needed to.
12. I went through the building step-by-step with them.
13. I am the one that asked them to change so that there is a better way for them to interact with the other businesses on Bayshore.
14. We as a Commission gave a lot of attention to that and that is why it got broken down to a smaller building by the evening.
15. So to demonize the Commission and to downplay the dedication we had because we don't get the big bucks as the Supervisor pointed out he does.
16. We get \$42.00 after taxes for sitting up here for 13 hours and listening to everybody, not limiting it to 90 minutes – listening to everybody give their point of view, reading the materials for a month in advance before we made a decision. So, to have it go to the Board of Supervisors first, I'm extremely confident we made the right decision.
17. I did not hear one relevant argument that came from anybody that spoke before them as to what was wrong with the EIR.
18. Only their lack of love for Home Depot.
19. Their lack of trust in Home Depot.
20. It had nothing to do with the issue.
21. Once again, the City has spent hundreds of thousands of dollars dealing with the non-issue, and then we get demonized in the process and I am extremely offended by it. And, as I have said to Commissioners here before, we used to exercise the policy of leaving at 10 o'clock.
22. Our good will of staying here and trying to get things off the calendar and trying to get the community that comes forth to be heard, get them heard in a night, is now being demonized and used against us.
23. So, I hope that we fulfill our policy of leaving here at 10 o'clock in the evening because clearly after 10 o'clock our credibility is called into question and I'm offended by it.

#### **Commissioners Olague**

1. I attended the State of the City address yesterday. In it I heard a lot of commitment from the Mayor to the notion of affordable housing in the City, especially for families, and I know a couple of months ago I did request that we have a hearing here that would shed some light on what are the programs in place.
2. It's probably – I think a lot of decisions we make here do have an impact on that question. But I know that this redevelopment, there are areas of the City that we obviously don't have any discretion over.
3. I would just like to remind staff that I would like to have that hearing calendared at some point to have a better understanding of what is the program the City has in place to really meet the needs, and what are the needs. And when we talk about BMR units and the depth of affordability, whom are we referring to?
4. These are the questions we have and I think we want to be part of the solution, certainly.
5. In order to do so, we have to have a better idea of what the vision is, what the City's policies are, and what is the program that we should be lending our support to.
6. There is a hearing for November 10. So we have scheduled it this time--the hearing on green buildings, housing--I think we are going to be doing dwelling units mergers...

**Jonas Ionin, Acting Commission Secretary:**

1. I think we said dwelling unit mergers.
2. Unfortunately at the last hearing we moved it to the November 17<sup>th</sup> hearing. We can move it to the 10<sup>th</sup>. Which we can do because there is no formal notice required for that. And if we want to continue it again to the 17<sup>th</sup> afterwards, because people feel uncomfortable, we can do that. It allows us the opportunity. And I believe there are a couple other things, I will check my calendar and let you know.
3. I think we had a couple other sort of longer issues.
4. We just decided we were going to put some revisions to the rooms down matrix issue on the calendar also, that staff is proposing or the zoning administrator is proposing. We are going to be spending a lot of time on November 10<sup>th</sup> talking about issues as opposed to projects.

**Commissioner Olague:**

1. Looking at the calendar, some of the projects coming before us, none of them are affordable.
2. We do approve a lot of projects on a weekly basis that fall outside of that.
3. I sympathize with a lot of what Commissioner Bradford-bell said.
4. I do want to just inform members of the public that we do spend a lot of time outside of this hearing researching the projects, talking to as many people as we can or at least who approach us and doing a lot of research and poring over documents.
5. I think the public does have a bearing on our decision, obviously.
6. We spent hours that night listening to all sides of the issue. I do not believe that any of us were – at least I know no one appeared to me to be asleep at the wheel, or whatever it was that was implied. I am glad I missed the hearing. I do not think I want to hear it at this point.
7. I do just want to say that there is a lot of time that goes into this and I think there are a lot of competing needs and a lot of competing issues, and certainly I don't want to turn a deaf ear to the Bayview Community either.
8. I hope as the issue continues to be deliberated, the Board continues to have an open heart and an open mind to the needs of that community that might not always appear to be – there are a lot of competing needs, a lot of neighborhoods.
9. There is a lot that goes into our decisions here. So it is never an easy decision, that's for sure.

**Commissioner Bill Lee:**

1. Part of the discussions regarding housing--can you give us a status on the development between the Trinity Properties and the City, because I think those affordable units are significant. And also as part of the presentation, can you also give us a sense of affordable housing units that are in the pipeline that have [?] about approved by us, and how many more do you anticipate that's actually submitted to the Planning Department?

**Commissioners Alexander:**

1. Wanted to talk a little bit about the Home Depot decision, because I was extremely disappointed to hear the dialogue coming from the Board of Supervisors, especially given what we go through looking at the things that come from them. We not only spent a great deal of time looking at documents, but talking at people in neighborhood groups.
2. I really take offense because you have one group louder than the others [feeling] that they should be listened to.
3. I understand that the people who live across the freeway [have] a little bit more free time and have more time to come to meetings and can be much more vocal

because they don't have jobs on that side of the freeway. That does not mean we made a bad decision.

4. There are people who like big box stores and people who don't like big box stores.
5. We benefit from the sales tax citywide from the big box stores.
6. There are places for neighborhood stores and neighborhood businesses.
7. I don't think as a Planning Commission we can sort of take sides one against the other. They all have to exist in this City.
8. We have to provide spaces for all those things to coexist and exist.
9. So, I think the direction in which the debate went in the Supervisors' chambers, I don't know, perhaps somebody there was asleep at the switch. Perhaps somebody there didn't take time to go talk to the community and find out what was really going on.
10. It took US 33,000 feet or something? It is kind of ridiculous.
11. I hope if we take a look at this, perhaps they spend a little more time and weight a little bit more carefully the competing needs and the competing interest that we weighed as we spent our time here deliberating not just one night, but many nights to come at what we found as the most reasonable solution, and they'll come back with an answer that I think is good for all San Franciscan and not just for a few.

**Commissioner Antonini:**

1. One other thing I meant to add before and that is that this Commission, with the exception of the obligatory breaks that we all have to take every couple hours, is sitting in our seats and listening atentatively, I think to all presenters. If there is room criticism, it is certainly not from our attentiveness or our dedication to the process.

**Commissioner Hughes:**

1. I do not think anyone was being critical of the Commission on a whole.
2. I think the comments were based on the..., just at that particular time.
3. I don't know that it is reflective of a lack of recognition of the hours and the time and commitment that we make, but rather more narrowly focused on that particular decision.
4. And just for the record, I don't know that was a unanimous decision. As I recall it, there was a split.
5. So in that event, I know I would have voted the way I voted regardless of the time.
6. It is hard to sit through that length. That is the one thing we have no control over or no way to anticipate accurately--the amount of public comment.
7. When you get projects like this that are as divisive as this one is...
8. Home Depot moved to where they were at the end of the Board of Supervisors hearing earlier, maybe the thing wouldn't have stretched out quite as long.
9. We do it week after week and hope that we make reasonable sound decisions at the end of the process
10. But people inevitably won't agree with something we do at one point or another. It just kind of comes with the territory I think.

## C. DIRECTOR'S REPORT

### 6. Director's Announcements

1. Director Macris is accepting an award for the Department.

2. Anne-Marie Rogers recently received a commendation from Representative Tom Lantos for her work on the Glen Park Plan.
  3. A brief report was given in regard to the Department's hiring process.
  4. Paul Maltzer gave a report on the Bayview/Hunters Point Environmental Impact Report.
7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BoS:**

1. Home Depot was heard and continued by a vote of +6 -0. It will be heard on Tuesday of next week, November 1<sup>st</sup>.
2. CEQA appeal was filed on the Medical Cannabis Dispensary Legislation proposed by Supervisor Mirkarimi. Subsequently, this item will be considered at the November 15<sup>th</sup> hearing.
3. At the Land Use Committee - Better Neighborhoods Plus was considered at length last week. There was extensive public comment and dialogue amongst the Supervisors. It was continued to November 9<sup>th</sup> for continued discussions and comments.
4. Also at the Land Use Committee – Supervisor Maxwell's package of Visitacion Valley Community Impact Fees was considered.
5. They were heard favorably by the Committee and were sent to the full Board with a recommendation to adopt.
6. Supervisor Mirkarimi has proposed a renewal and an extension of the existing moratorium on Medical Cannabis Dispensaries. Because of that appeal, we would have otherwise had a lapse in the existing moratorium. This would fill that gap and extend the moratorium by 16 months and 15 days. We certainly anticipate having permanent controls in place well before that moratorium lapses.

**BoA: None**

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKER(S):**  
**Marilyn Amini:**

1. At the Land Use Committee meeting yesterday and the legislations sponsors, the authors, I believe, distorted the report of the department's support of the Better Neighborhoods Planning and Implementation process.
2. From all appearances to me, the Supervisor and Interim Director Macris are inappropriately intent on railroading this legislation through in absolute deference to the special interest author and sponsor, SPUR.

**John Bardis**

1. Congratulated the Planning Commission for the good work they are doing by working responsibly on planning in the City and giving direction to the Department and implementing of the Planning Code.



**Ryan Chamberlain**

1. Concerned about the rezoning of Geary Boulevard.
2. Offered to give the Commission a snapshot of where that is going.

**E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

**NONE**

**1. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

8. 2005.0632C (M. SMITH:  
(415) 558-6322)

**115 WEST PORTAL AVENUE** - between Vicente Street and 14<sup>th</sup> Avenue, Lot 031 in Assessor's Block 2989B - **Request for Conditional Use Authorization** pursuant to Planning Code Section 729.50 to establish a limited financial service operated by Sterling Bank & Trust, located in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of October 6, 2005)

**NOTE: On October 6, 2005, following public testimony, the Commission closed public hearing and passed a motion of intent to disapprove by a vote of +7 -0. Final language on October 27, 2005.**

SPEAKERS: None

ACTION: Disapproved

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

MOTION: 17130

**G. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

9. 2005.0716D (R. CRAWFORD:  
(415) 558-6358)

**3976-3980 26<sup>TH</sup> STREET** - north side between Sanchez and Church Streets, Lot 019 in Assessor's Block 6552 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of



dwelling unit mergers, of Building Permit Application No. 2005 0603 4162proposing to permit the merger of four dwelling units into three dwelling units in a structure located in an RH-2 (Residential, House, Two-Family) District, and 40-X Height/Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the permit.

SPEAKERS: None  
ACTION: No DR and approved  
AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

10. 2005.0851C (K. AMDUR: (415)  
558-6351)

535 MISSION STREET - south side between 1<sup>st</sup> and 2<sup>nd</sup> Streets, Lots 68 and 83 in Assessor's Block 3721 - **Request under Planning Code Sections 156(h) and 303 for the reauthorization of a previously-approved conditional use authorization for a temporary parking lot.** The project site was first approved for a temporary (two years) parking lot by the Commission on October 3, 2002, in Motion No. 16465. The original approval allows the two-year authorization to be extended at the discretion of the Planning Commission. The site is within a C-3-O (Downtown Office) District and a 550-S Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
MOTION: 17131

11. 2004.0305C (D.SIROIS:  
(415) 558-6313)

1111 JUNIPERO SERRA BOULEVARD (AKA UNITED METHODIST CHURCH) - east side, between Shields & 19<sup>th</sup> Avenue, Lot 24 on Assessor's Block 7080 - **Request for Conditional Use Authorization** under Planning Code Section 209.6(b) to install six cellular panel antennas and associated equipment at the United Methodist Church as part of wireless transmission network operated by Cingular Wireless. The Project Site is located in an RH-1 (Residential, House, Single-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee  
MOTION: 17132

12a. 2005.0627XV (D. DIBARTOLO:  
(415) 558-6291)

410 JESSIE STREET - corner of 5th and Jessie Streets, Lot 002 (formerly lots 079 through 112) in Assessor's Block 3704 - **Request for Determination of Compliance and Exceptions** under Section 309 of the Planning Code. The project would convert floors 2 through 4 of the historic 10-story Hales Warehouse and Food Shop building into approximately 24 residential dwelling units. The proposed conversion would not affect the building's exterior and would preserve all character

defining features. Floors 2-4 would be converted into 8 units on each floor (Floor 2 currently contains office use and floors 3 and 4 each contain a single live/work unit per floor. The project would provide code-complying residential parking by converting six existing non-required commercial parking to residential use. The Zoning Administrator will concurrently consider a Variance request. The site is located in a C-3-G (Downtown General Commercial) District and a 90-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

**SPEAKERS:**

**Michael Yani**

1. Currently the building houses 34 condominium units.
2. I believe 30 of which are currently live/work uses.
3. The project converts two floors, floors 3 and 4, which are single unit live/work units to residential use.
4. We are bringing the building further into compliance with the existing planning code and general plan.
5. In terms of adequate notice and adequate report--I can personally attest to completing the section 309 application and the variance applications.

**Sue Hestor**

1. Requested the item be continued because the staff report is inadequate.
2. There is no explanation of what was approved in the live/work project.
3. They [staff] should have provided the plans.
4. The project needs to have documentation about what was proposed and how it was an office because City Car Share was there.
5. If you're going to have conversions of live/work projects, you need to have a staff report that shows the conversions; that deals with was it used as live/work the entire time?
6. Staff report does not include the negative declaration and the live/work papers.
7. The issue here is, can you clean up a project without any analysis of what was approved in 1998, 1999 and wave a magic wand and understand whether what they did is legal?
8. I am contending, based on firsthand information, that this project was not operated fully as a live/work project.
9. It was operated partially illegally as an office building on the second floor.

**ACTION:** Approve with the stipulation staff confirm allegations presented by Ms. Hester.

**AYES:** S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

**MOTION:** 17133

12b. 2005.0627XV  
(415) 558-6291)

(D. DIBARTOLO:

**410 JESSIE STREET-** corner of 5th and Jessie Streets, Lot 002 (formerly lots 079 through 112) in Assessor's Block 3704 - **Request for a Variance** pursuant to a Building Permit Application to convert floors 2 through 4 of an existing building into approximately 24 residential dwelling units. The project would provide a code-complying amount of open space for the new dwellings units, on an existing roof deck on the building at 418 Jessie Street, an adjoining building currently undergoing residential conversion. The site is located in a C-3-G (Downtown General Commercial) District and a 90-X Height and Bulk District.

SPEAKERS: Same as those listed for item 12a  
 ACTION: The Zoning Administrator granted the variance.

## ●RE GULAR CALENDAR

13. 2004.0196D (R. CRAWFORD:  
 (415) 558-6358)

101 POPPY LANE - north side past Diamond Street, Assessor's Block 6713 Lot 056 - **Request for Discretionary Review** of Building Permit Application No.2004 0915 4254 to construct a new three story, single family dwelling on a vacant interior lot, in an RH-1 (Residential, House, One Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Take Discretionary Review and modify the project.

(Continued from Regular Meeting of October 20, 2005)

**NOTE: On July 14, 2005, following public testimony, the Commission closed public hearing and continued it to September 15, 2005 by a vote +6 -0 to allow the parties to work out a better plan. Commissioner Bradford-Bell was absent. Public testimony is required in any new information presented.**

SPEAKERS:  
 C. J. from Ruben and Junius

1. The plans that you have before you are for an entirely completely redesigned project that went all the way back to square one.
2. We met with neighbors four times and our new plans are a direct result of the input we received from them.

**Identified as the Project Architect – [did not state name]**

1. Gave an overview and description of the project as it was and how it has evolved.

**Debbie Lee, Discretionary Review Requestor**

1. Both sides made a lot of concessions as to what we initially started out feeling from the original DR hearing.
2. The project still a little bit too large, it is within the range of acceptable, but we would like to request it be reduced.
3. There are some privacy and landscape concerns.

**John Rohosky**

1. The site is in the middle of everyone's backyard so landscaping is a key element here—the landscaping around the lot and the landscaping on Poppy Lane.

**Bruce Katz**

- We are here in good faith to see that the project can be brought to its most positive conclusion.

1. Our sole goal was to mitigate the way the project negatively affects the neighbors.

**Roberta Guise**

1. I would be happy to support the project if the developer would sign an agreement with us all.

**[Kathryn Werhane is the name called but not stated by the speaker]**

1. The architect has made significant changes to the design and to those of us whose houses are uphill from the proposed house appreciate the decrease bulk of the new design.
2. However, he has ignored or declined to address all other issues of concern.
3. Initially he agreed he would include a fence to the southeastern property line. At the last meeting he refused stating that there was no precedent for a fence and that he wishes to preserve the open country feel. The landscape architect has agreed to include plantings along an open fence on that side, but we have not seen that in the drawings.
4. We request the Commission to require the project sponsor to continue to adjust the design to reduce the impact on the neighborhood, including the people on the Moffat Street side.

**Irene Homer**

1. Very supportive of her neighbors requests.
2. Asked that the Commission take all of our requests seriously and to make sure that everybody is going to be able to live in a nice, peaceful neighborhood with all of their privacy intact.

**Kevin Sullivan, Project Sponsor**

1. Respectfully asked the Commission's support of his project.

**Mary Kate Sullivan**

1. Urged the Commission to approve the project.

ACTION: Took DR and approved the new design limiting the hours of operation to 7 a.m. to 6 p.m., Monday through Saturday  
 AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Olague, W. Lee  
 NAYES: Hughes

14. 2005.0663C (S. MENDRIN:  
 (415) 558-6625)

**836 IRVING STREET** - north side between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Lot 025 in Assessor's Block 1741 -**Request for Conditional Use Authorization** pursuant to Planning Code Sections 303(c) and 730.44 to allow the establishment of a small self-service restaurant use as described in Planning Code Section 790.91 within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to change the existing personal service use "Irving Nail Salon" (nail salon. & facials) to a small self-service restaurant "Toasties" (deli/coffee shop). The interior space will be reconfigured to accommodate the proposed small self-service restaurant (approximately 995 square feet and 12 seats).  
 Preliminary Recommendation: Approval with Conditions  
 (Continued from Regular Meeting of October 6, 2005)

## SPEAKERS:

Charlie (unclear last name), project sponsor

1. I'd like to establish a small restaurant in the Sunset
2. This location has been previously a bakery and coffee shop.
3. Asked Commission to approve his application.

ACTION: Approved

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

MOTION: 17134

15. 2004.0546C (B. FU:  
(415) 558-6613)

680 ILLINOIS STREET - northwest corner of Illinois and 18<sup>th</sup> Streets, Lots 003 & 007 in Assessor's Block 3994 - **Request for Conditional Use Authorization** under Planning Code Sections 215, 303, and 304 to create a new Planned Unit Development (PUD) to allow the construction of up to 35 dwelling units, 7,000 square feet of commercial space, and 41 independently accessible off-street parking spaces within a M-2 (Heavy Industrial) District with a 50-X Height and Bulk designation, and in the Housing/Mixed Use Zone as designated by Planning Commission Resolution No. 16202. Exceptions are requested from density, off-street parking, and permitted obstructions, as mandated by the Planning Code.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 22, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to November 17, 2005

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

16a. 2003.0295CDV (I. WILSON:  
(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Conditional Use Authorization** pursuant to Sections 209.1 and 228.3 of the Planning Code to convert a service station use to residential use and to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now vacant. This project is also seeking a Variance from the Planning Code, and is the subject of a request for Discretionary Review.

Preliminary Recommendation: Approval with Conditions  
(Continued from Regular Meeting of September 22, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to December 15, 2005

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

16b. 2003.0295CDV (I. WILSON:  
(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and



Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Discretionary Review** of Building Permit Application No. 2003.04.25.3201, proposing to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. This project is also seeking a Variance from the Planning Code, and requires Conditional Use authorization.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of September 22, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to December 15, 2005

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

16c. 2003.0295CDV

(I. WILSON:

(415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Variance** from the rear yard requirements of Planning Code Section 134. The proposal is to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. A Variance is required to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior corner of the lot of approximately 1,480 square feet. This project also requires Conditional Use authorization, and is the subject of a request for Discretionary Review.

(Continued from Regular Meeting of September 22, 2005)

SPEAKERS: None

ACTION: Without hearing, continued to December 15, 2005

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

17a. 2004.1164CKV

(G. CABREROS:

(415) 558-6169)

810, 816 & 826 VAN NESS AVENUE - east side between Eddy and Willow Streets in an RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and a 130-V Height and Bulk District, Lots 006, 007 & 008 in Assessor's Block 0739 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 253.2 and 303 to construct an 88-foot-tall mixed-use building with up to 52 dwelling units, approximately 2,700 square feet of ground-floor commercial space and up to 52 parking spaces in an RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and a 130-V Height and Bulk District. The project proposes demolition of three one-story commercial buildings (one per lot).

Preliminary Recommendation: Approval with Conditions

SPEAKERS:

**James Ruben, representing Project Sponsor**

1. The City is finally benefiting from the Van Ness Special Use District with some recently approved projects.

2. With this project and some that are going to be coming before you soon, you will see increased residential density along Van Ness.

### Warner Smalls

1. Gave an overall review/presentation of the project.

### Joe O'Donoghue

1. In the 80's we had a vision for Van Ness Avenue. That vision is becoming a reality.
2. We have some good architecturally designed building.
3. We are seeing a much better and beautiful boulevard

ACTION: Approved

AYES: S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

MOTION: 17135

17b. 2004.1164CKV  
(415) 558-6169)

(G. CABREROS:

810, 816 & 826 VAN NESS AVENUE - east side between Eddy and Willow Streets, Lots 006, 007 & 008 in Assessor's Block 0739 - **Request for Variances** from rear yard, dwelling unit exposure and off-street parking requirements per Planning Code Sections 134, 140 and 155. The proposal is to demolish the three existing one-story commercial buildings and to construct an 88-foot tall mixed-use building with up to 52 dwelling units, approximately 2,700 square feet of ground-floor commercial space and up to 52 parking spaces. In lieu of providing a rear yard equal to 25 percent of the total lot depth, the project is proposed to be set back 12 feet from the southern property line for a depth of approximately 80 feet as measured from the rear property line. Eighteen units located along the south side of the proposed building (at all levels above the ground floor) do not meet the dwelling unit exposure requirement, which states that all dwelling units shall face directly onto a Code-complying required rear yard or a public street. The eighteen units that do not meet the exposure requirement face the 12-foot setback proposed along the southern property line. 52 parking spaces are proposed for the 52 units, however a parking variance is sought for two spaces (for a total of 50 independently-accessible parking spaces) to accommodate potential future revisions to the structural design at the basement levels. The project is located in an RC-4 (Residential-Commercial Combined, High Density) District, the Van Ness Special Use District and a 130-V Height and Bulk District.

SPEAKERS: Same as those listed for item 17a

ACTION; Zoning Administrator closed public hearing and granted the variance.

18. 2004.0400D  
CABREROS: (415) 558-6169)

(G.

730 GREAT HIGHWAY - east side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1595 - **Request for Discretionary Review** of Building Permit Application Nos. 2003.05.29.5813 and 2005.10.18.5856 proposing to construct two three-story, two-unit buildings (four units total) on the vacant subject lot in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. The subject lot is bounded on three sides by the Ocean Parc Village Planned Unit Development.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve.

SPEAKERS: None

ACTION: Without hearing, continued to December 15, 2005

AYES: S. Lee, Antonini, Bradford-Bell, Hughes, Olague, W. Lee

ABSENT: Alexander

19. 2005.0796T  
(415) 575-6815)

(J. SWITZKY:

**C-3 DISTRICT PARKING CONTROL MODIFICATIONS-  
Consideration of an Ordinance amending San Francisco Planning  
Code by amending Section 151, 151.1, 154, 155, 155.5, 166 and 167**  
to modify controls in C-3 Zoning Districts regarding required and  
permitted off-street parking and loading, design of access to off-street  
parking and loading, bicycle parking, car sharing, separating parking  
costs from housing costs and adopting environmental findings and  
making findings of consistency with the priority policies of Planning  
Code Section 101.1 and the General Plan.

Preliminary Recommendation: Pending. Commission action is not  
proposed for on October 27.

(Continued from Regular Meeting of October 20, 2005)

SPEAKERS:

**Tom Radulovich**

1. I'm here to speak in favor of this ordinance
2. The genesis of this was actually a discussion in Supervisor Daly's office almost a year ago.
3. We were looking at Transbay. We were looking at Mid-Market. We were looking at all these different pieces of the C-3 that were coming forward.
4. Nobody disagrees that looking comprehensively at eh C-3 was long overdue.
5. We had not really looked at parking requirements since the long-term plan two decades ago.
6. There wasn't a lot of disagreement that we should lower parking requirements in the downtown.
7. This really is an attempt to look at the downtown comprehensively and also get rid of that main argument that you disadvantage development in mid-Market on in Transbay by having lower requirements.

**Steve Atkinson**

1. The legislation as I've seen it is very confusing, in particular with the marketing requirement.
2. In one place the legislation reports one to two parking can be attained up to one to one. In another place it does not. This is a very fundamental difference. We should have some piece of legislation that is clear on this point--which this particular draft is not.
3. There are some worthwhile points in this.
4. We agree with the unbundling of parking.
5. Car Share should have a ratio of 100 units instead of 50 units. I would encourage any of my clients to provide car share, but I don't think it is necessary to be required.
6. If this legislation does limit parking to one space to two units, it almost certainly is going to have a major impact on the financing of residential projects, particularly large high-rise residential projects.

**Norm Rolfe**

1. The only change I would suggest is unbundling the parking.

**Jeffrey Heller**

1. Showed two diagrams of project in the C-3 Mid-Market that have retail fronting, packing above grade, with parking in the rear that is not seen. One is at 10<sup>th</sup> and Market. The other is at Golden Gate and Johns.
2. Let me give you a few reasons why you want to allow some parking above grade where you can't see it. Where it's buried.
3. The first reason is working with Planning staff.
4. We have been able to evolve these plans consistent with Mid-Market Plan NC-3 so that the parking is never viewed by the public.
5. It achieves the goal of not creating a visible presence of parking and that should still be allowed in the design process at discretion of staff.
6. The second reason is the retail controls are for smaller retail, not larger retail.
7. Third, the height of the retail you want needs to be higher and more generous and therefore you can get two levels of hidden parking behind that makes them much more efficient.
8. In fact, as long as the architectural and the planning objectives are met, the idea of parking to a certain height--which should be evaluated more carefully by staff--makes a lot of sense.
9. Finally, if you do a plaza on top of the parking it's better to do it deeper in the hole.

**Baha Hariri**

1. An answer has not been given to the policy question that has been raised. An answer can't be given at this point about the economic impact of this legislation
2. There is obviously a need for parking in the region.

**Tom Hart**

1. I'm speaking against this proposal.
2. I think that if you are trying to de-congest or keep congestion off the streets, you should provide adequate car storage, which can be called parking.
3. I am for decoupling. I'm for car share. I'm for a lot of these things. But to put an absolute across the board maximum of one space for two units, I think is not serving the best purposes of the public.

**David Addington**

1. Speaking out against the proposed legislation.
2. We've already hashed this out within our mid-Market PAC. We hope the agreements we've reached in our PAC will be accepted by the city.
3. People in San Francisco do have fewer cars than they do outside of San Francisco.
4. But it's my sense that if you own your unit, you own a car and we should give them a place to put it.

**Andrew Segal**

1. Against proposed legislation.
2. Projects that provide less parking are less desirable.

**Robert McCarthy**



1. Spoke against the proposed legislation.
2. Read from a letter that said: ...with regard to 199 Montgomery, the survey indicates 99% of those people who bought actually owned cars.
3. Condominiums with parking sell at a faster pace.
4. The reality here is people do need their cars.
5. People with families, people with mobility problems, people with elderly parents need vehicles.
6. Please act with common sense and common wisdom.

**[Did not state name]**

1. Has not read the material but has some thoughts
2. People who spend \$750,000 to a million dollars for condominiums downtown own cars.
3. I thought we were headed to think about not parking, but car storage. Some mechanical systems and someplace to put cars.

**Steve (unclear last name)**

1. There are some good ideas in this legislation.
2. Most of those good ideas were implemented in the Rincon Hill Plan such as eliminating minimums, eliminating dimensional minimums, requiring car share, requiring bike parking, looking at stacking and valet systems.
3. Those are good ideas. You should support them.
4. However, this legislation is not practical for the empty nesters.
5. I recommend that you allow some flexibility here.

**[Did not state name]**

1. We are trying to get housing into the mid-market and in terms of parking, we thought the Commission understood the need for flexibility—the need to have the ability to get one to one.
2. The Commission should rethink this legislation.

**[Did not state name]**

1. Went on a trip to Vancouver with the Chamber of Commerce
2. The issue of how much parking is permitted in Vancouver came up.
3. I was surprised to learn that there were no maximums on parking in Vancouver.
4. Many of the units, the new ones that have been built in the downtown, the downtown towers, are parked at a ratio of two spaces per unit. They were encouraging families to come downtown.

**ACTION:** Public hearing closed. At the call of the Chair (Commissioner Alexander), item continued to November 10, 2005.

20. 2003.0029\*

(J.)

SWITZKY: (415) 558-6815)

**425 FIRST STREET (ONE RINCON HILL) - Motion to Approve Mello-Roos Agreement to Satisfy Rincon Hill Community Infrastructure Impact Fee Requirement per Section 318.3(f)** - The Planning Commission approved a project at 425 First Street on August 4, 2005, that includes approximately 709 dwelling units. Planning Code Section 318.3(b)(i) requires payment of \$11.00 per net occupiable square foot of residential development for the Rincon Hill Community Infrastructure Fund prior to issuance of site permit. The project construction is divided into two phases, the first of which would require a payment of



approximately \$4,580,000. The project sponsor has entered into a Waiver Agreement with the City, to the satisfaction of the Planning Department and City Attorney, to secure the formation of a Community Facilities (Mello-Roos) District and to take all necessary steps to support the construction of a portion of the public improvements, equal to the value of the Impact Fee owed by the sponsor, and described in the Planning Code 318.6 and in the Rincon Hill Plan. The Planning Commission is being asked to authorize the Director to execute the Mello-Roos Waiver Agreement to satisfy the Project Sponsor's Impact Fee requirement.

Preliminary Recommendation: Approval.

(Continued from Regular Meeting of October 20, 2005)

**SPEAKERS:**

**Steve**

1. The waiver agreement that was drafted by the city Attorney tracks sections 318 of the Planning Code, the new fee ordinance which does mandate that you approve such a fee agreement if it does provide for the formation of the Mello-Roos District or if the Mello-Roos District does not form in a timely manner, we have to pay that money in cash. There is a letter of credit to require that cash payment.

**Jeffrey Linden**

1. Encouraged the Commission to approve this agreement and looks forward to the improvements.

**ACTION:** Approved

**AYES:** S. Lee, Alexander, Antonini, Bradford-Bell, Hughes, Olague, W.

Lee

**ABSENT:** S. Lee and W. Lee

**MOTION:** 17136

**6:00 P.M.**

21.

(J. JARAMILLO/ J. RUBIN: (415) 558-

6818)/558-6310)

BACKGROUND AND PROPOSAL FOR REZONING IN THE EASTERN NEIGHBORHOOD - **Informational presentation** will include an update on the status of the Eastern Neighborhoods planning effort and an overview of staff's proposed permanent controls. The Eastern Neighborhoods rezoning includes Showplace Square, Mission, Potrero Hill, Central Waterfront, Bayview, and parts of South of Market.

Preliminary Recommendation: Informational Presentation, No action

Requested

(Continued from Regular Meeting of October 6, 2005)

**SPEAKERS:**

**Curtis Eisenberger**

1. The new plan or the new outline – because I don't think it's a full plan yet – has many improvements over the Plan B of the various neighborhoods that was previously the model for the Eastern Neighborhoods.

**Neil (unclear last name)**

1. I wanted to let you know we've gone through the Department's report and will be submitting written comments of the analysis of three major areas of concern.
2. We believe option B through the process of the community workshops and the years of meeting really did strike the proper balance between PDR and the housing policies of the City.
3. We also believe that the EPS report kind of really bore this out.
4. It was particularly important to see the EPS report use very conservative assumptions and found it really clear that there was pretty much a balance of enough PDR land preserved in Option B.

**Mike Burke**

1. If you're going to make this PDR land--and that is what it's designated right now, core PDR--please limit that to the bottom floor and permit urban mixed-use.
2. It makes no sense to us to have a Core PDR in a neighborhood where it literally is surrounded by housing.

**Steve Barrett**

1. I'm here about a project not yet before you. We have named it The Gardens at Harrison
2. Its located at 725 Harrison Street between Third and Fourth Streets.
3. We plan to create 509 condo units with ground floor retail.
4. There exists a unique opportunity here to develop this significant amount of housing without having to resort to super towers like we saw with Rincon Hill.
5. We are interested in creating a vibrant oriented pedestrian community
6. The project is consistent with the vision of the Eastern Neighborhoods proposal.
7. However the plan itself needs continued revision to make the project a reality.

**Bob Meyers**

1. In terms of height and zoning, The Gardens at Harrison fits well into the urban context.
2. This is one of the few large sites left in the entire SOMA under one ownership and is perfect for mixed use high-density housing.
3. We don't think that controls are needed for the Eastern SOMA.
4. We should continue the policies. We can revisit them, but we do not need to impose controls.

**Allison Poole**

1. I'm here representing The Gardens at Harrison
2. The site we are looking at is on the South side of Harrison touching nearly the entire block between Third and Fourth Streets
3. The site is over 80% of the block.
4. It truly is a unique opportunity for this area.
5. We are not proposing one modest building taking over the entire site.
6. We are looking at five or six buildings, 80 feet wide, 50 feet separating each building and designed for maximum light and air.
7. We believe this flexible building massing could adapt a unit configuration of one, two, and three bedroom units totaling 509 units.

**Bob McCarthy**

1. I wanted to thank the staff because the staff did listen carefully to both the community and the project sponsor and has agreed to allow under the current

proposal housing on this site as well as commercial.

2. We look forward to working with staff and we hope the Commission will agree with us that this is a site that cries out for maximum housing opportunities and give that instruction to staff so we can begin to work on the design with staff.

**Peter Cohen**

1. I'm with the Backstreets Business Advisory Board.
2. The Board of Supervisors appoints us and our charge is to look carefully at what is being called back street businesses or PDR, or service light industrial.
3. We have an economic development focus rather than simply land use
4. I think we assume as a foundation that land supply, building stock and relatively affordable rents are going to be secure.
5. Our focus is on the businesses themselves and strengthening and growing the economic security of back streets or PDAR businesses as part of the economy over all.
6. Unlike a number of other targeted businesses in the city, what we found so far is the city doesn't have any specific strategies to either retain or grow PDR businesses.
7. We have a group that is doing intense research.
8. We have assistance from the Office of the Legislative Analyst
9. We also have a business outreach committee that intends to interview hundreds of local businesses
10. I think we will be able to dig deep into the specific needs of the businesses themselves.

**Jim Meko**

1. We certainly do need to provide protections against the best and the highest use.
2. I completely agree with that, but that should be along the lines of no net loss, not industrial protection zones.
3. It is a geographically constrained city.

**Jim Haas**

1. Urged the Commission to not to put this in black and white between industrial, PDR and housing. But try to come up with systems, particularly with these kind of very undeveloped parcels in this area where you can come up with some really creative new developments that have multi-uses.

**Joe Boss**

1. I think one thing is really critical to move forward. It is mentioned in the next steps. And that is the workshops with the communities and how that will be handled.
2. This is a herculean effort by the way, putting all this stuff together, which I thank Director Macris, and Amit Ghosh for.
3. It is critical to pick up in each of those neighborhoods basically the same geographic area and the same people as was left off with the various workshops over the last three, four years, before they are coupled together moving forward.

**Jeffrey Leibovitz**

1. East SOMA has remained a vibrant thriving San Francisco neighborhood in spite of the .com bust.
2. It is now emerging as a hub for the digital arts industry.
3. The reason why this has occurred is and was because of interim controls that the

Rincon Point South Beach Citizens Advisory Committee established with the cooperation of Sue Bierman in 1997.

4. East SOMA is not in need of that much improvement. But it could use some proper zoning to change some the current but outdated industrial zone surrounding the growing residential mixed-use community.

ACTION: Continued to November 10, 2005 at the call of the Chair.  
Public hearing was not closed.

#### G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

SPEAKERS:  
[Name unclear]

1. I'm involved in a planning matter that is now before the Board of Appeals
2. There are a couple of related issues I want to bring to your attention.
3. The first is that the enforcement section within the department, having now worked with them for the last few months, is clearly under staffed for the need they have for some (+/-) 2000 enforcement cases.
4. They absolutely need additional resources.
5. My other concern is with regard to block book notations
6. I have asked several people in the department for opinions on what a block book notation is? What it gets the requester? What that means?
7. I heard testimony by the Acting Commission Secretary, Mr. Ionin last week at the Board of Appeals, and there was some conflicting testimony from the public on that.
8. I've looked at the code and as far as I can tell, there is nothing in the Planning Code that addresses what a block book notation is and what it means. It is only referenced in section 351 g with regard to fees.
9. I would love the opportunity to meet with the appropriate staff and clarify this so that there is understanding and uniformity in departmental procedures and that

the public can understand what it means particularly as to whether or not there is a ten-day hold on permits or other applications requested.

10. I just want to put that out there and hopefully staff can respond in an appropriate fashion.

**[Name  
unclear]**

1. I listened to your comments regarding parking requirements.
2. I think it's a safe bet that [the speakers] never ride MUNI. If they did the would see children, parents with children, children on their way to school, on their way to a game or athletic activities, and they would see adults carrying sporting gear. They would see people coming on with strollers, people in wheelchairs, walkers, and people carrying groceries and miscellaneous packages.
3. MUNI does get you there.
4. It certainly can stand improvement and it would be helpful if the establishment at City Hall would take a better attitude towards the MUNI than it does.
5. So before you go further on parking requirements or what is proposed for the C-3 area, spend a little time on the MUNI and see who rides it.

Adjournment:

**8:15  
p.m.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, MARCH 23, 2006.**

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee; Antonini; Bradford-Bell, Hughes; Olague; W. Lee  
ABSENT: Alexander







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City and County of San Francisco

## Planning Department

November 3, 2005

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

DOCUMENTS DEPT.

DEC 19 2006

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Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 3, 2005  
1:30 PM  
Regular Meeting

COMMISSIONERS PRESENT: Alexander, Antonini, Bradford-Bell, Hughes, W.  
Lee, and Olague  
COMMISSIONERS ABSENT: S. Lee

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT DWIGHT  
ALEXANDER AT 1:39 P.M.

STAFF IN ATTENDANCE: Dean Macris – Director of Planning; Larry Badiner –  
Zoning Administrator; Tim Blomgren, Dan Sider, Adam Light, Isolde Wilson, Glen  
Cabreros, Rick Crawford, Mary Woods, Dan DiBartolo, Tom Wang, Jonas Ionin –  
Acting Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1a. 2004.0782D

(M. SMITH:

(415) 558-6322)

(  
163 COLLINGWOOD STREET, east side between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 023 in Assessor's Block 2695, Mandatory Discretionary Review under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2005.01.13.3183, proposing to demolish a one-story over garage single-family dwelling, located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

**Preliminary Recommendation: Pending****(Proposed for Continuance to November 10, 2005)**

SPEAKERS: None

ACTION: Without hearing, continued to November 10, 2005

AYES: Alexander, Antonini, Hughes, W. Lee, and Olague

ABSENT: Bradford-Bell and S. Lee

1b. 2004.0783D  
 (415) 558-6322)

(M. SMITH:

(  
163 COLLINGWOOD STREET, east side between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 023 in Assessor's Block 2695, Mandatory Discretionary Review under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2005.01.13.3186, proposing to construct a three-story over garage three-family dwelling, located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

**Preliminary Recommendation: Pending****(Proposed for Continuance to November 10, 2005)**

SPEAKERS: None

ACTION: Without hearing, continued to November 10, 2005

AYES: Alexander, Antonini, Hughes, W. Lee, and Olague

ABSENT: Bradford-Bell and S. Lee

2. 2002.1129E  
 (415) 558-5993)

(L. GIBSON:

SAN FRANCISCO MARINA RENOVATION PROJECT - Public hearing on Draft Environmental Impact Report (EIR). The proposed project is the renovation of the San Francisco Marina at 3950 Scott Street (Assessor's Block 900, Lot 003). Water-side improvements would include installation and removal of breakwater structures; reconstruction of degraded rip-rap shoreline slopes; maintenance dredging; replacement and reconfiguration of the floating docks and slips; replacement of gangways and security gates; installation and refurbishment of oily water and sewage pumpout facilities; and upgrade of electrical, water, and lighting services on the docks. Land-side improvements would include renovation of marina restroom, shower, and office buildings; conversion of the vacant former Navy Degaussing Station into office space; construction of a new 1,000-square-foot maintenance building; and restriping of existing parking lots. The project site is within a P (Public) Use District and an OS (Open Space) Height and Bulk District.

Preliminary Recommendation: No Action Required. Public hearing to receive comments only.

**Note: A public hearing on the Draft EIR was held on October 6, 2005. At the request of the Planning Commission, an additional hearing on the Draft EIR was calendared for November 3, 2005. The hearing is now proposed for continuance to November 17, 2005, with the public review period to be extended to 5 PM on November 28, 2005.**

**(Proposed for Continuance to November 17, 2005)**

**SPEAKERS:** None

**ACTION:** Without hearing, continued to November 17, 2005

**AYES:** Alexander, Antonini, Hughes, W. Lee, and Olague

**ABSENT:** Bradford-Bell and S. Lee

3. 2004.0984C  
(415) 558-5263)

(S. VELLVE:

2690-2696 GEARY BOULEVARD - northeast corner of Geary Boulevard and Emerson Street; Lot 004 in Assessor's Block 1071 - **Request for Conditional Use authorization** pursuant to Sections 303 and 209.6 of the Planning Code to install a total of six (6) antennas and related equipment cabinets, on the existing 100-foot tall commercial structure (Public Storage Building) for AT&T's wireless telecommunications network within an NC-3 (Moderate Scale Neighborhood Commercial) District and an 80-D Height and Bulk District. Per the City and County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines, the proposal is a Preferred Location Preference 4 as it is a wholly commercial structure.

Preliminary Recommendation: Approval with conditions

**(Proposed for Continuance to November 17, 2005)**

**SPEAKERS:** None

**ACTION:** Without hearing, continued to November 17, 2005

**AYES:** Alexander, Antonini, Hughes, W. Lee, and Olague

**ABSENT:** Bradford-Bell and S. Lee

## **B. COMMISSIONERS' QUESTIONS AND MATTERS**

### 4. Commission Comments/Questions

**Commissioner Antonini:** *I have a couple of questions. One is on one of the items that is being continued—The Great Highway. I have been informed that this general review exemption occurred in June of 2004, which means we are now approximately 18 months from the time of the exemption. So one would believe that if someone had a problem with it they would have filed an appeal before now. I think we have a problem—one that has to be dealt with at the State level. I don't know if the city can do anything to limit the appeal period on these type of things—both negative declarations and categorical exemptions of environmental review—because it clearly does not seem to be used properly. It may only be a tactic to delay. I'm not saying that is the case here, but it seems very odd that this appeal would be done at such a late time. I think this has happened many, many times. This is something I would like to see if there is any jurisdiction we have or if it has to be done on a State level.*

**Kate Stacey, Deputy City Attorney responded:** Commissioner Antonini is correct in that the state law, CEQA, requires appeals of categorical exemptions and other determinations as well as negative declarations to the elected legislative body. In our case this body is the Board of Supervisors. The City has not adopted any procedures or time limits within which those appeals have to take place and how they have to take place. So our office has advised that as long as there is still an outstanding permit for the city to review and consider approval of, that those appeals are timely because the CEQA determination is linked to the approval itself. As long as the city still has some discretionary approval, we would like the clerk of the Board to consider the appeal of those timely.

**Commissioner Antonini:** To change that, you're saying that it does have to be at a State level?

**Kate Stacey, Deputy City Attorney responded:** Commissioner Antonini, the Board has to adopt procedures for the appeal of exemptions and negative declarations. It has not done so. ...The Clerk of the Board has adopted some procedural rules for how those appeals occur. But there are no time limits within which an appeal must occur.

**Commissioner Antonini:** So what body of the city would have power to do that sort of thing?

**Kate Stacey, Deputy City Attorney:** The Board of Supervisors enacts amendments to the Administrative Code—to Chapter 31.

**Larry Badiner, Zoning Administrator also responded:** Commissioners, the department has urged the Board of Supervisors to take this up. The department has indicated, or I have indicated myself, that I was going to introduce or have the department introduce an ordinance that would do that. I got a distinctly negative reaction. It does not seem like this Board is pursuing this issue.

**Commissioner Antonini:** Thank you. My other comment deals with... It has been called to my attention by a couple of people that they read in the West Portal Monthly a paraphrase of some remarks I made. It was not a direct quote. When you paraphrase, oftentimes, you don't get the meaning of what was really said. I know the author. She does a wonderful job and I appreciate her articles very much. But I did not say that West Portal was no longer a viable retail corridor as was mentioned there. It's a very viable retail corridor. It's one of the most viable in the city.

There was a reference also made to Stonestown. I think that they do have somewhat of a unique situation because certain retail outlets that might occur in other streets, such as Fillmore, Chestnut, even Haight, such as the Gap or Pottery Barn or others, would not locate there because they are right close to Stonestown. In that regard, you're a little more limited in the type of retail that will come in. I think that was the nature of my comments.

I also mentioned some other streets are evolving. You've seen 24<sup>th</sup> Street had a ban on new restaurants for many years and they've now decided that no longer applies. I don't know what the people in West Portal feel about financial institutions. I certainly was supportive of their objections in the '70s and '80s on the basis that there were too many of those institutions that not only proliferates but also proliferates



*architecturally. I don't think the best land use (as we look at it today) could be on single floor large parking lots. Historically, it's been two or three floors. In that regard—just on an architectural basis—it's something I hope they look at in the future regardless of what position is taken on the overall issue of the financial institutions themselves.*

*Finally, in regard to that, I did mention that Broderick Place over on Fell Street which we had approved was sort of a real model of what could possibly be done in a lot of these areas where you're taking a bank in a parking lot and turning it into a market, a smaller bank, housing, parking and retail. I'm anxious to see that project finished because it may serve as a model for some of the residential streets in the future.*

**Commissioner Olague:** *Peter Cohen was mentioning the Backstreet Advisory Board he was on. I'd like to understand where they are. What the deliberations and what some of there findings might be and how it relates to what we are deliberating on in the Eastern Neighborhoods. I don't know where the best place for that would be.*

## C. DIRECTOR'S REPORT

5. Consideration of Adoption: Draft Minutes of Special Meeting for January 27, 2005,

SPEAKERS: None  
 ACTION: Approved  
 AYES: Alexander, Antonini, Hughes, W. Lee, and Olague  
 ABSENT: Bradford-Bell and S. Lee

6. Director's Announcements

**Dean Macris, Director of Planning:** *Next week is a short calendar and we'll be bringing a number of items for updates. The first is Green Buildings. We've also been talking about Dwelling Unit mergers, First Source Advisory and City Build.*

*Last week you approved 410 Jessie Street. Ms. Hester questioned whether the transit impact development fee was applicable and if paid. She believed the sponsor—I believe the word she used was—had cheated the city out of owed fees. I think you've received emails from Mr. Yarnee documenting the Muni' exemption of this in a letter dated I think 1/7/05. Met with Mr. Banks today. The materials [he] presented at our meeting allowed me to confirm the 1999 launch project of this site as not subject to the Transit Impact Development Fee. Although the proposed and approved new building configuration includes office use, the square footages at the previous use provides a credit larger than the office portion. I think there is pretty extensive information here demonstrating compliance with the Transit Impact Development Fee.*

7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

## BOS – (Dan Sider reporting)

1. Home Depot was continued again to next week. It will appear on the 11/8/05 calendar. It will be the third time calendared.
2. Supervisor Maxwell's proposal—Visitacion Valley General Plan Amendment and Impact Fees—was passed unanimously at the Board this week on first reading.
3. Supervisor Mirkarimi introduced a proposal for rezoning of certain parcels along the Haight Street corridor to Stein and Pierce Streets to an NC-2, small scale

neighborhood commercial classification. We will bring this to you in the coming months for your review.

**Commissioner Olague:** *As far as the Visitacion Valley fees are concerned, was there any discussion regarding Bayview?*

**Dan Sider:** *There was some discussion at the Committee level. It is my understanding that there was not a level of discussion at the full Board on Tuesday.*

### **BOA – (Jonas Ionin reporting)**

1. 586 Lisbon Street, a project that was subject to the mandatory demolition policy. Collin O'Neill, the project sponsor appealed your decision. I believe the demo wasn't so much of an issue before the Commission as much as the new construction. There were some dimension problems and reduction of plans that were illegible and the project was disapproved. The sponsor hired a new architect, modified the project that satisfied the department. The Board of Appeals then overturned your decision approving the demolition and new construction permit applications.
2. 567 Sanchez Street: There were three discretionary reviews before you. This had been appealed to the Board a couple of times, and last night was the third hearing. The appeal was related to the agreement that was ratified by the Commission by taking DR and adopting all those conditions of approval. There was a motion to overturn your disapproval and allow three of the minor modifications. However, that motion failed 3 to 2. In that motions failing, the Board upheld your disapproval.

### **D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**Jim Salinas: RE: To commend Commissioner Olague and the entire panel.**

1. I've watched this panel come together around different land use issues, but most especially the fact that San Franciscans be allowed to go to work.
2. I think that this panel has shown itself to address those benefits that directly affect the entire community of San Francisco.
3. I have watched City Build, which is in its infancy stages. If City Build is what it currently is and what it could be in a year or two, I think this Mayor has come up with on heck of an idea and it's already affecting a lot of San Franciscans.
4. I believe that young San Franciscans, especially in the black and brown community be given opportunities where they might not have one if it were not for programs like City Build.
5. You have a lot of work in from of you, a great responsibility, a great charge, all of which you do with a passion.
6. I've watched a lot of young brothers and sisters on a daily basis and the only hope some have is at the end of a bullet. But you've changed that and I want to thank you from the bottom of my heart for that passion.

### Sue Hester: RE: Some suggestions

1. – The way to solve this problem is to give the public notice that one exists. For example, when a Section 311 notice is issued, there is a legend at the bottom of it saying there is an environmental document available on this project and tell them where they can get a copy of it.
2. Conflict of Interest – In light of the newspaper article last Friday and Saturday about the former Planning Director, I think maybe it's time for the Commission and staff to think about whether there needs to be a more robust training on this across the board on such things as what is the radius whereby you have a conflict. Maybe the City Attorney needs to think with you on this.

### Joe O'Donaghue: RE: Contractors avoiding going through the planning process

1. When they fill out applications, they lie at the counter. As a result, they never come to the Planning Department.
2. The Director of the Bureau of Building Inspection stated in her application that she has four floors of occupancy in her building. It only has two. Her application avoided coming to the planning process. Her permits were given out in record time.

### 1. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

8a. 2005.0400D (D.SIROIS:  
(415) 558-6313)

147 LAIDLEY STREET - east side, between Harper & Fairmount, Lot 025, Assessor's Block 666 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application 2005.05.27.3621, to demolish an existing single-family dwelling in an RH-1 (Residential, One-Family) District and in a 40-X Height and Bulk District.  
Preliminary Recommendation: Do not take Discretionary Review and approve the Demolition Permit.

SPEAKERS: None

ACTION: Did not take DR and approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, W. Lee,

Olague

ABSENT: S. Lee

8b. 2005.0577D (D.SIROIS:  
(415) 558-6313)

147 LAIDLEY STREET - east side, between Harper & Fairmount, Lot 025, Assessor's Block 6664 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2005.05.27.3626, proposing to construct a three-story, single-family residential building with two off-street parking in an RH-1 (Residential, One-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the New Construction Permit.

SPEAKERS: None

ACTION: Did not take DR and approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, W. Lee,

Olague

ABSENT: S. Lee

9. 2005.0770H  
LIGHT, (415) 558-6254)

(A.

450 SUTTER STREET - north side between Powell and Stockton Streets, Assessor's Block 285, Lot 6 - **Request for a Permit to Alter** to replace original steel frame casement windows that have deteriorated and determined to be beyond repair. The existing windows have been surveyed in detail. The proposed replacement units are new aluminum casement windows matching the original windows in profile, color and overall appearance. The subject property is located in a C-3-R (Downtown, Retail) Zoning District, and a 80-130-F Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford-Bell, Hughes, W. Lee,

Olague

ABSENT: S. Lee

MOTION: 17137

## •RE GULAR CALENDAR

10. 2004.0672ECV  
(8-5979)

(T. BLOMGREN:

2660 HARRISON STREET, west side between 22<sup>nd</sup> and 23<sup>rd</sup> Streets; Lot 4A of Assessor's Block 3639, mid-block between 22<sup>nd</sup> and 23<sup>rd</sup> Streets. - **Appeal of Preliminary Negative Declaration** for the construction of two 40-foot-tall, four-story buildings with 34 residential units each for a total of 68 residential units and with 26,000 gross square feet (gsf) each for a total of 52,000 gsf. The project would include 34 parking spaces per building located in a basement parking garage under each building. The project site is located in a Heavy Commercial (C-M). The project site is located within the proposed rezoning of the Eastern Neighborhoods

Preliminary Recommendation: Uphold Preliminary Negative Declaration

SPEAKERS:

Pat Delgado



1. I'm a resident of the immediate area.
2. I have met with the developer many times
3. He has addressed all of our neighborhood concerns and I'm in full support of this project

**John Victor**

1. I live across the street from this project
2. The west side of the block is light industrial.
3. One of our concerns is that light industrial is changing.
4. We would love to see the kind of housing on the other side of the street—keeping with the neighborhood
5. The architects met with us several times. I'm concerned about the height restrictions across the street. Our building is about 25 feet high and this building directly across the street from us will be 40 feet high.
6. I'd love to see more ownership possibility there.
7. I guess I'm not giving it my full approval and I'm not saying it's bad either.

ACTION: Negative Declaration Upheld  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, and  
 W. Lee  
 NAYES: Olague  
 ABSENT: S. Lee  
 MOTION: 17138

11a. 2004.0672ECV: (D.SIDER:  
 :8-6697)

2660 HARRISON STREET, west side between 22<sup>nd</sup> and 23<sup>rd</sup> Streets;  
 Lot 004A in Assessor's Block 3639 - **Request for Conditional Use  
 Authorization** to allow the construction of dwelling units within a C-M  
 (Heavy Commercial) Zoning District pursuant to Planning Code Section  
 215(a). The proposal would demolish an existing two (2) story vacant  
 commercial building and construct two (2) new four (4) story over  
 garage buildings containing a total of sixty-eight (68) dwelling units. A  
 total of sixty-eight (68) off-street parking spaces would be provided in a  
 below-grade garage. The property is within a C-M Zoning District, the  
 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods area as  
 set forth in Planning Commission Resolution Number 16727, and a 40-  
 X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

SPEAKERS:  
**Sue Hester:**

1. We have a rezoning process that is now four years into the process and all we have at this point for the Mission is a map that says housing, PDR, mixed use, et cetera. This is not planning a neighborhood.
2. We in the Mission and Potrero Hill want neighborhoods developed.
3. You do not have a discussion on what makes this industrial part of the Mission a neighborhood.
4. All you have from staff is, it's supposed to be housing.
5. What makes a neighborhood out of an area like this?
6. When the Commission approved most of Harrison Street as live/work, and as you're filling up all the rest of this with housing, you really should be looking at what is a neighborhood. It's what we're entitled to.

**George House, Representing the Project Sponsor**



1. The project will provide 6 to 8 units of housing on the west side of Harrison Street
2. It is in compliance with section 315 of the planning code.
3. It provides the required 12% BMR (below market rate) units.
4. This project was conceived through a collaborative process between the public and the project team. This process literally formed this building in terms of its massing, the layout, parking, unit mix, scale and the aesthetics
5. He gave a description and overview of the project design.

ACTION: Approved with conditions as drafted  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague and W. Lee  
 ABSENT: S. Lee  
 MOTION: 17139

- 11b. 2004.0672ECY: (D.SIDER:  
 (415) 558-6697)

2660 HARRISON STREET, west side between 22<sup>nd</sup> and 23<sup>rd</sup> Streets; Lot 004A in Assessor's Block 3639 - **Request for Variances** from (1) *rear yard requirements* because the project would contain an inner court of roughly 63 feet in depth by 39 feet in width while the Code would otherwise require a rear yard space of 110 feet in width by 31 feet in depth and (2) *dwelling unit exposure requirements* is needed because 48 total units are proposed without windows which would face (a) a code-compliant rear yard, (b) a street or alley, or (c) an open area of at least 25 feet in each horizontal dimension, as would otherwise be required by the Code. The 48 units in question would access light and air through the aforementioned inner court. The proposal would demolish an existing two (2) story vacant commercial building and construct two (2) new four (4) story over garage buildings containing a total of sixty-eight (68) dwelling units. A total of sixty-eight (68) off-street parking spaces would be provided in a below-grade garage. The property is within a C-M Zoning District, the 'Housing/Mixed Use' sub-area of the Eastern Neighborhoods area as set forth in Planning Commission Resolution Number 16727, and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

SPEAKERS: Same as those listed for item 11a.

ACTION: The Zoning Administrator closed the public hearing and granted the variances.

12. 2005.0842D (A. LIGHT:  
 (415) 558-6254)

135-1139 GREEN STREET, in Assessor's Block 125, Lots 115-116, **Request for Discretionary Review** on Building Permit Application No. 2005.06.16.5311 to construct a new subterranean basement and five car garage under three existing two-story townhouses. A garage entrance door would be inserted into the far east side of the existing masonry retaining wall along the Green Street frontage. A curb cut will also be constructed. The subject property is in an RH-3 (Residential, House, Three Family) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve project.

SPEAKERS: None  
 ACTION: Without hearing, continued to December 8, 2005  
 AYES: Alexander, Antonini, Hughes, W. Lee, and Olague

ABSENT: Bradford-Bell and S. Lee

13. 2005.0530D  
(415) 558-6163)

(I. WILSON:

562 9<sup>TH</sup> AVENUE - east side between Anza and Balboa Streets; Lot 034 in Assessor's Block 1551 - **Request for Discretionary Review** of Building Permit Application No. 2005.03.17.7771, proposing to remove the existing extension and deck at the rear of the single-family dwelling and to construct a new three-story addition and deck with stair projecting four feet deeper into the rear yard than the existing deck, in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKERS:

**Ron Konapaski**

1. I've lived in the house next door to this project for the last 36 years and this has a very negative impact on our property.
2. We attempted to work with the neighbors in making some modifications to this but they basically stonewalled us.
3. I am concerned with the potential illegal living space in the basement
4. I am also concerned with the size of the addition in terms of bulk and protrusion into the backyard.
5. And finally, I'm concerned with the fact that it is so close to our deck.
6. It is also out of character for the neighborhood inasmuch as it goes up three stories.

### **Darren McMurtry, Project Architect**

1. I suppose the main thing to point out is that the DR requestors' addition is similar to the bulk and mass of ours—his is three stories, ours is three stories. His goes out 12 feet, ours goes out 12 feet. I think ours definitely fits within the fabric of this neighborhood.
2. He gave an overall description of the project design and layout.

ACTION: Did not take DR and approved  
 AYES: Alexander, Antonini, Hughes and W. Lee  
 NAYES: Olague  
 ABSENT: Bradford-Bell and S. Lee

14. 2004.0400D  
CABREROS: (415) 558-6169)

(G.

730 GREAT HIGHWAY - east side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1595 - **Request for Discretionary Review** of Building Permit Application Nos. 2003.05.29.5813 and 2005.10.18.5856 proposing to construct two three-story, two-unit buildings (four units total) on the vacant subject lot in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. The subject lot is bounded on three sides by the Ocean Parc Village Planned Unit Development.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve.

(Continued from Regular Meeting of October 27, 2005)

SPEAKERS: None  
 ACTION: Without hearing, continued to December 8, 2005  
 AYES: Alexander, Antonini, Hughes, W. Lee, and Olague  
 ABSENT: Bradford-Bell and S. Lee

15. 2004.0750D (R.)  
**CRAWFORD: (415) 558-6358)**  
 520 HOLLOWAY - north side between Capitol and Miramar Avenues.  
 Assessor's Block 6937 Lot 018A - **Request for Discretionary Review**  
 of Building Permit Application No. 2004 0719 9132 to construct a two-story vertical addition, and side additions to partially fill in the side yards in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk district.  
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project.

SPEAKERS: None  
 ACTION: Without hearing, continued indefinitely  
 AYES: Alexander, Antonini, Hughes, W. Lee, and Olague  
 ABSENT: Bradford-Bell and S. Lee

16. 2004.1314D (M. WOODS:  
 (415) 558-6315)  
 46 ALPINE TERRACE - west side between Duboce Avenue and Waller Street; Lot 004 in Assessor's Block 1258 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2004.04.13.1119, proposing to convert the building's authorized use from four units to a single-family dwelling with two kitchens, in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.  
 Preliminary Recommendation: Take Discretionary Review and disapprove the building permit application as submitted.

SPEAKERS:  
**Jeremy Paul, Representing the Project Sponsor**

1. When the owners bought the building, the #R report said the building was unknown probably because the permit records were missing. They knew it needed a lot of work but could be ideal for the type of living arrangement they sought for their community and their extended family—their modern family.
2. He gave a detailed presentation of the project's current and proposed design and layout.

### **Stefan Smith, One of the owners of the project**

1. When he and Mr. Stanley found this building 11 years ago, it was a mess inside and out, but I saw right away that it was an opportunity to have a home for several of us to live as a community or as a family.
2. We've put a lot of work in it in the beginning and have been saving a long time to finish restoring the building to the home that it originally was.

### **Stanley Eng, One of the owners of the project**

1. Since 1994 we have lived in the house as a community—as a family.

2. I've known Stefan for over 25 years. We have been best friends.
3. We see this as a house, always will and always will.
4. If this was ever required to return to three units or four units of five units, I think we would have no choice but to move out because it would render it a place not suitable for our use.

### Norman, A resident of 46 Alpine Terrace

1. I cannot imagine how this house could ever be made into the kind of multiple units that are being described in some fictional way
2. This is a very livable place and I'm happy there
3. I'm retired and on a fixed income. It's one of the few places I've found in San Francisco that I could afford as well as be in a very stimulating community
4. I trust that the Commission will see it this way and will approve this.

MOTION: To not take DR and approve as submitted  
 AYES: Bradford-Bell, W. Lee, and Olague  
 NAYES: Alexander, Antonini, and Hughes  
 ABSENT: S. Lee  
 RESULT: Motion failed

MOTION: To take DR and approve as two units with a kitchen in each  
 AYES: Antonini, Alexander and Hughes  
 NAYES: Bradford-Bell, W. Lee, and Olague  
 ABSENT: S. Lee  
 RESULT: Motion failed

ACTION: A substitute motion was not made. The building permit application is approved as proposed.

17. 2005.0743D (D. DIBARTOLO:  
 (415) 558-6291)

330 CHESTNUT STREET - north side between Grant Avenue and Stockton Street; Lot 010, Assessor's Block 0054 - **Mandatory Discretionary Review**, under the Planning Commission's policy on dwelling unit mergers, of Building Permit Application No. 2005.07.22.8371, to convert three dwelling units to two. The project would merge an existing unit at the first floor and a one-bedroom unit that occupies the remainder of the first floor and entire second floor of the structure. The subject property is within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and disapprove the application.

SPEAKERS:

**Cornelia Griffin, Representative of the Project Sponsor**

1. City Planning approved the removal of this unit in the year 2000 and if the contractor had done a final signoff on it, none of us would be here today.
2. The previous owner lived in the house thinking that it had been converted to a two-unit building.
3. He described the current conditions of the project site.
4. My clients bought the house with the intention of living there and raising a family



there, which is exceedingly difficult to do in a one bedroom home.

5. I'd hate to see them have to rent this unit out and not have the room for their children and leave the city because they don't have a second bedroom.
6. The unit has been empty for five years and has not been part of the housing stock for that long. No one has been dispossessed. No one has been moved out.

### **Dave McGreger, Building Owner**

1. We would like to change it from three units to two units in order to have a practical and appropriate single-family home.
2. My wife and I recently married and plan on starting a family. We would like to incorporate this efficiency apartment to give us a safe usable second bedroom.
3. We have a rental unit downstairs on the first floor that we have rented to a very nice young woman and intend to keep that on the market.
4. We both work in the city and would very much like to stay in the city and raise our family here.

ACTION: Did not take DR and approved  
 AYES: Antonini, Bradford-Bell, Hughes and Olague  
 ABSENT: Alexander, S. Lee and W. Lee

18. 2004.0898D

(T. WANG: (415) 558-6335)

62 GLADSTONE DRIVE— west side between Cambridge Street and Silver Avenue; Lot 016 in Assessor's Block 5886 – **Request for Discretionary Review** of Building Permit Application No. 2004.01.09.3689 to construct a two-story addition, at the rear of the existing one-story over garage, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.

SPEAKERS:

**Jeffrey Chan, Representative of Project Sponsor**

1. My clients have revised this three times—two before the DR request came in and once afterwards.
2. They have a family of six and are living in a two-bedroom, one bath house right now.

ACTION: Did not take DR and approved  
 AYES: Antonini, Bradford-Bell, Hughes and Olague  
 ABSENT: Alexander, S. Lee and W. Lee

### **G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a



public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**NONE**

Adjournment:

**5:40  
p.m.**

**THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE  
REGULAR MEETING OF THE PLANNING COMMISSION ON  
THURSDAY, MARCH 16, 2006.**

SPEAKERS:	None
ACTION:	Approved
AYES:	Antonini, Hughes, Olague, W. Lee
EXCUSED:	S. Lee
ABSENT:	Alexander, Bradford-Bell





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*City and County of San Francisco*  
**Planning Department**

November 10, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

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## **Meeting Minutes**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, November 10, 2005  
1:30 PM  
Regular Meeting**

**COMMISSIONERS PRESENT:** Alexander, Antonini, Bradford-Bell, Hughes, W Lee and Olague

**COMMISSIONERS ABSENT:** S. Lee

**THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT DWIGHT ALEXANDER AT 1:32 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry Badiner – Zoning Administrator; Jim Miller, Michael Smith, Rick Crawford, Dan DiBartolo, Jonas Ionin – Acting Commission Secretary

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2005.0796T  
(415) 575-6815)

(J. SWITZKY:

C-3 DISTRICT PARKING CONTROL MODIFICATIONS-

**Consideration of an Ordinance amending San Francisco Planning Code by amending Section 151, 151.1, 154, 155, 155.5, 166 and 167** to modify controls in C-3 Zoning Districts regarding required and permitted off-street parking and loading, design of access to off-street parking and loading, bicycle parking, car sharing, separating parking costs from housing costs and adopting environmental findings and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: Pending. Commission action is not proposed for on October 27.

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Continuance to November 17, 2005)**

**SPEAKERS:** None

**ACTION:** Continued as proposed

**AYES:** Alexander, Antonini, Bradford-Bell, Hughes, and Olague

**ABSENT:** S. Lee and W. Lee

2.

(J. JARAMILLO/ J. RUBIN: (415)

558-6818)/558-6310)

**BACKGROUND AND PROPOSAL FOR REZONING IN THE EASTERN NEIGHBORHOOD - Informational presentation** will

include an update on the status of the Eastern Neighborhoods planning effort and an overview of staff's proposed permanent controls. The Eastern Neighborhoods rezoning includes Showplace Square, Mission, Potrero Hill, Central Waterfront, Bayview, and parts of South of Market.

Preliminary Recommendation: Informational Presentation, No action

Requested

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Continuance to November 17, 2005)**

**SPEAKERS:** None

**ACTION:** Continued as proposed

**AYES:** Alexander, Antonini, Bradford-Bell, Hughes, and Olague

**ABSENT:** S. Lee and W. Lee

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

3. Commission Comments/Questions

**Commissioner Antonini –**

1. Last week I made some comments regarding questions I've had about 80 West Portal. I have responded to the publication that I believe contained some inaccurate information. That will be published, to my knowledge, next month.
2. I will also give my comments to the Commission Secretary and they will be available for the public for those with interest. Contained therein is a site where you can visit the actual hearing and hear what was actually said. I appreciate the public's interest in this issue.

## C. DIRECTOR'S REPORT

### 4. Director's Announcements

**None**

### 5. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

#### **Board of Supervisors –**

1. was approved 6 to 5
2. I expect that project will proceed through the process.
3. I would not be surprised if there is an appeal of the building permit to the Board of Appeals.
4. ***At the Land Use Committee yesterday –***
5. There was a hearing on the elevator penthouse amendments.
6. You may recall they were proposed amendments to allow the extension of elevator penthouses to be 16 feet rather than 10 feet for those buildings in height districts from 40 feet in height to 65 feet in height.
7. The concern was that the 10 feet does [not] presently allow enough [space] for safety for an override if there is an elevator person working on top of the elevator and it starts moving. There needs to be enough space, a place of refuge, I believe it's called, so that they are not crushed against the top of the elevator enclosure.
8. There were a number of questions at the hearing yesterday.
9. Although I couldn't stay for the final vote because I had to go the Board of Appeals, I believe the questions were addressed and it moved to the full Board with a full recommendation by all members.

#### **Board of Appeals –**

1. was before you on May 26, 2005.
2. You took DR to disapprove the merger of a six unit building into a five unit building.
3. The two units in question were on the third floor – one was 400 square feet and the other was about 800 square feet.
4. The building was Ellis Acted.
5. You found that the studio unit did not have design or functional deficiencies. While it was 400 sf, it was a very useful 400 sf.
6. The last occupants of the dwelling did not move voluntarily.
7. This first went before the Board about three weeks ago but was continued because a commissioner was absent.
8. Last night the full Board was present and they voted to overturn you 4 to 1.
9. It was expressed (in regard to the 400 sf unit) that the priority is to create family housing and that we are losing families. It was stated that we have enough small units and that in this case the priority to create a family unit outweighed the actual loss of the housing unit.
10. It was also noted that the unit would be owner occupied.

### 6. Green Building – Informational Presentation

**SPEAKERS: None**



ACTION: Without hearing, continued to December 1, 2005  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, and Olague  
 ABSENT: S. Lee and W. Lee

- 6b. **[THIS WAS THE ADDENDUM ITEM]**  
 (D. HESSE)  
 FIRST SOURCE HIRING PROGRAM – Informational presentation on  
 First Source Hiring Program and City Build Program requirements.  
 Preliminary Recommendation: No action

**SPEAKERS:**

**Don Hesse, First Source Hire Administrator**

1. The purpose of the First Source Hiring Program is to match open entry-level jobs with people who are looking for entry-level jobs. It really is that simple.
2. The entry-level jobs come from employers who have some connection with the city. The job seekers may come from community based organizations; from training programs run by those organizations or by the city; from the city's welfare-to-work program; or just people that are looking for a job – or perhaps looking for a better job.
3. The Board and the Mayor created the program in 1989.
4. In 2004, the Board of Supervisors made some significant amendments in the ordinance – two of which affected the Planning Department and Commission.
5. The original legislation applied to commercial development of over 50,000 square feet and subsequently 25,000 square feet. The amendment expanded that to residential projects requiring Planning Commission activity on permits of ten units or more.
6. In the residential projects, the only jobs involved for the most part are in the construction of those projects no matter how large they are with no end-use jobs.
7. In the commercial developments—whether an office building or a Safeway—we also focus on what we call the end-use jobs that will occupy those sites.
8. The second amendment says the Planning Commission shall not approve a development project or shall any city department issue a permit subject to this chapter unless the developer or contractor has obtained approval from the First Source Hiring Administration of a First Source Hiring Agreement applicable to the development project.
9. Once a project is leased up, they have the responsibility to participate in the First Source Hiring program for ten years.

**Chris Iglesias, Director of City Build**

1. We have already developed specific contract language that we've started to incorporate in city contracts.
2. We are just amending current city contracts and starting City Build language which was developed in consultation with the employers, the contractors, the building trades, ...
3. It meets a lot of the letter of the law right now as far as the parameters we can work under with the injunction currently against the city as far as equal opportunity programs.
4. It is a private program so we could change things very quickly. If something isn't working, we'll get rid of it. If it is working, we'll stick with it. It would be a tool you guys could have on your projects too.
5. Once the City Build Academy is up and running they want to get back into the high schools, which used to offer shop classes, but don't anymore.
6. We are very close to having our first academy class, which is really a pre-apprenticeship training class in January of 2006.
7. It is a partnership with many people. One is City College. One is the Building Trades, PIC, Regional Council of Carpenters, and a lot of people coming

together to make this academy happen. One of the groups we have been meeting with regularly is the San Francisco Unified School District.

**SPEAKERS:**

**Sue Hester**

1. Referred the Commission to section 164 of the Planning Code, which is the source of funding.
2. When we drafted Prop M in 1986, and it was adopted by the voters, there were three components.
3. The jobs part of it is often forgotten. But it is in the Planning Code and authorizes you to impose a fee of \$0.50 a square foot. I think someone needs to look at it.
4. Number two was the integration of the computer system. It is a crying need.
5. I assume you had difficulties with the funding program.
6. The Planning Department is very good at putting conditions on projects and closing files. But staff leaves and files get lost. Unless it [conditions] is all the way through so that other agencies know there is a fee, or the Mayor's Office of Housing knows about a job program, we are screwed.

**ACTION:** Informational only. No action.

**D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**NONE**

**E. REGULAR CALENDAR**

7. POLICY UPDATE (J.IONIN:  
(415) 558-6309)

**DWELLING UNIT MERGERS - Mandatory Discretionary Review Policy for Dwelling Unit Mergers.** The update includes modified criteria and administrative relief for certain types of mergers.  
Preliminary Recommendation: Approval.

**SPEAKERS:**

**Brett Gladstone**

1. Your current policy has vastly limited the number of unit mergers in town because they work.
2. Staff keeps wonderful statistics about how many losses we had. Only five units have been lost over the last three years with your current policy.
3. With the creation of about 2000 housing units a year, of which almost a third are affordable, that is a minor loss.
4. Weigh that minor loss against the consequences when families need housing in an already tight market. They are leaving in droves.
5. Staff needs statistics on how many people come in for mergers but abandon their plans when the criteria is explained to them. Those numbers need to be compared to the yearly number of people who get before your commission.
6. If you do not reject it completely today, please give us a continuance of three

weeks so some of us, including the Coalition of Better Neighborhoods, can address in writing some of the problems with the new criteria.

7. Staff has worked hard, but there are a lot of things they haven't kept in mind like why there isn't some soundness housing issue criteria looked at?

**Margo Park, representing the Pacific Heights Residence Association**

1. This has been a big problem in Pacific Heights.
2. Criterion one and two are not applicable for the most part in San Francisco. Aren't most rental units rent controlled?
3. The affordable unit criterion certainly doesn't apply to our area.
4. Criterion three is pretty reasonable. A person should have a right to increase the size of his dwelling units. But where do you draw the line?
5. Your criteria four and five bring the building closer into conformance of the prevailing density of the block or closer to the current zoning.
6. There are so many buildings that are legal nonconforming uses. We have a building in a RH-1 zoned area that has provided, at least for Pacific Heights, good size rental units that we would lose under the new thing.
7. Finally, the last one is the most important.
8. You word it that the building is not in its original configuration and removal of units would bring it closer to its original density. We think it should be stated positively that a building should retain its original configuration. In other words, the dwelling units cannot be removed unless it was originally designed as a single-family unit.
9. I don't understand the thing I just read today about exceeding the 80<sup>th</sup> percentile.

**The Director of the San Francisco Apartment Association (name was not clear)**

1. We are in the business of representing rental-housing providers in the city. It is in our best interest to maintain rental-housing stock.
2. A few of our members have had dwelling unit mergers before this commission to establish larger dwelling units for their families. They have been denied and forced to go to the Board of Appeals.
3. We believe that we need to help the Planning Department establish a more family friendly look at rental housing for everyone in the city.
4. I just recently found out about this hearing and haven't had time to fully read through all the documentation so a continuance would be in order.
5. We don't want to lose housing stock, but we don't want to lose families more than we don't want to lose rental-housing stock.
6. We can build our way out and provide more affordable housing with some of the new inclusionary laws that exist in the city.
7. But when families are leaving because they can't live in our neighborhoods, that is a very alarming situation for all of us that live here.
8. If you don't allow some people to combine a dwelling unit for one owner occupant landlord, we're going to be faced with people invoking the Ellis Act and losing more units because they'll turn them into an alternative living situation by going out of the rental housing business all together.

**Pat Buscovich**

1. I think it is more important that you spend your time looking at policies than looking at every individual building that comes here.
2. I have some issues with this.
3. What we should be talking about is whether it is important for a merger policy to be discussing affordability. That is something that is important you should be

discussing and setting those policies and directing staff as opposed to individual buildings again and again and again.

4. I don't know if this is prime time and ready to go, but this is the right direction.

ACTION: Following hearing, continued to January 12, 2006. Public hearing remains open.

AYES: Alexander, Antonini, Bradford-Bell, and Olague

ABSENT: Hughes, S. Lee and W. Lee

8. 2004.0858C

(D.

DiBARTOLO: (415) 558-6291)

766 VALLEJO STREET - north side between Powell and Stockton Streets; Lot 043 in Assessor's Block 130 - **Request for Conditional Use** authorization pursuant to Section 722.83 of the Planning Code to install and operate a wireless telecommunication facility for Cingular Wireless, mounted on the existing building comprising a parking garage and police station. Under the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines, the property is a Preferred Location Preference 1, as it is a publicly used building. The proposal is to install six panel antennas at three different locations on the facade and the roof of the approximately 67-foot high building. Related equipment would be placed on the fourth floor level within the parking garage a basement storage area. The property is within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 11, 2005)

SPEAKERS:

**Sandra Steele, representing Cingular Wireless**

1. Thanked staff for helping us come up with a well integrated design at this site.
2. The site was selected because it was an excellent location from the standpoint of site availability. This is a preference one location and a co-location on a public property that contains a police station on the lower level and a parking garage on the upper level.
3. She gave a detailed description of the site and design of the antennas.
4. We are trying to improve coverage to Vallejo, Green, and Mason Streets.
5. The installation would provide emergency 911 services and enhance the ability to communicate in the event of an earthquake or other natural disaster when traditional landlines may be rendered inoperable.

**Angela Alexandria**

1. I'm a resident and live about half a block away from the proposed facility.
2. I've lived there for many years in a rent-controlled unit.
3. I notice that the short-term studies show no adverse health effects, but there is nothing in place in terms of long-term studies. Therefore, who is to say how this might affect us?

**Jean Chin**

1. I live in Russian Hill. However, my father-in-law lives on Apollo Street, maybe a quarter block from the proposed site. He is 93 years old. He had a hip injury and he is on dialysis.
2. The people in the community are mostly elderly and don't speak English well.
3. They are concerned about their health



4. They don't want these antennas there.
5. They feel that these will benefit businesses and people who use cell phones. Not us.

ACTION: Approved  
 AYES: Alexander, Antonini, Hughes, and W. Lee  
 NAYES: Bradford-Bell and Olague  
 ABSENT: S. Lee  
 MOTION: 17140

- 9a. 2004.1306ECV (J. MILLER:  
 (415) 558-6344)  
1018 - 1020 PINE STREET - north side between Taylor and Jones Streets, Lot 6 in Assessor's Block 253, in an RM-4 (Mixed Residential, High Density) District, the Nob Hill Special Use District, and a 65-A Height and Bulk District - **Request for Conditional Use authorization** of for height in excess of 40 feet for the construction a new, five-story, eight-unit residential building 50.0 feet in height, also requiring rear-yard and off-street-parking Variances  
 Preliminary Recommendation: Approval with Conditions

**SPEAKERS:**

**Jerry -- Project Sponsor**

1. The project before you is a nonconforming commercial building located in a residential district.
2. It will have eight units including seven family size units and parking for seven cars.
3. The prior use was commercial with no residential units.
4. A previous tenant ran a grocery store at this location. In June of 2004 she asked me if she could end her lease early. I agreed and she left in August of last year.
5. There was also a Laundromat in the site, which closed in December of 2004. The property has been vacant since then.
6. After a pre-application meeting with Department staff, we reduced the bulk of the top floor to make it fit more gracefully into the streetscape and designed a project with more dynamic architecture with stronger presence than the common tired stucco facades of the neighboring buildings.
7. The lot is shallow and the neighborhood is dense. There is no pattern of rear yard open space.

**Owen Kenerly -- Project Architect**

1. I'm speaking in support of the project.
2. Gave a detailed description of the project's design.

**Lawrence Ratto -- Vice President of the Board of Directors of the Nob Hill Homeowners Association**

1. We are not opposed to the project. We think it is a good one.
2. We are opposed to some of the variances that are asked for.
3. We are mostly concerned about parking.

ACTION: Approved  
 AYES: Alexander, Antonini, Bradford-Bell, Hughes, W. Lee, and Olague  
 ABSENT: S. Lee  
 MOTION: 17141



- 9b. 2004.1306ECV (J. MILLER:  
(415) 558-6344)  
1018 - 1020 PINE STREET - north side between Taylor and Jones  
Streets, Lot 6 in Assessor's Block 253, in an RM-4 (Mixed Residential,  
High Density) District, the Nob Hill Special Use District, and a 65-A  
Height and Bulk District. **Rear-Yard and Off-Street-Parking Variances  
Sought** -The proposal is to construct a new, five-story, eight-unit  
residential building 50.0 feet in height. The new building would have  
100 percent coverage at the ground floor and a rear yard of  
approximately 12 feet on its upper floors when the Planning Code  
would require an 18.75-foot rear yard open and clear from the ground  
up. The proposal is for seven off-street parking spaces when the Code  
would require eight. The project is also the subject of a request for  
authorization of a Conditional Use for height over 40 feet in an "R"  
District.

SPEAKERS: Same as those listed for item 9a.

ACTION: The Zoning Administrator granted the rear-yard and off-street  
parking variances.

- 10a. 2004.0782D (M. SMITH:  
(415) 558-6322)  
(

163 COLLINGWOOD STREET - east side between 18<sup>th</sup>  
and 19<sup>th</sup> Streets, Lot 023 in Assessor's Block 2695 -  
**Mandatory Discretionary Review** under the Planning  
Commission's policy requiring review of residential  
demolition, of Demolition Permit Application No.  
2005.01.13.3183, proposing to demolish a one-story over  
garage single-family dwelling, located in a RH-3  
(Residential, House, Three-Family) District and a 40-X  
Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary  
Review and approve the demolition.

(Continued from Regular Meeting of November 3, 2005)

SPEAKERS:

**Jeremy Paul**

1. This is my neighborhood. I live about a block and a half away.
2. I really have a lot of respect for what Mr. McMan has done with this site.
3. It adds character to a very mixed sidewalk.
4. Overall, I think that this is a very good project for new housing.
5. It is very difficult to justify saving the existing building. It is the smallest building  
on the block.

**Ursula Heise**

1. I live on the second floor of a building that is on the south side of the proposed  
building.
2. I want to bring to your attention two issues that several of us neighbors have  
been concerned about.
3. The first one is the issue of the light wells. We don't have any great view going  
out the north side, but we do have a lot of light in my apartment and the one on

the third floor gets a lot of light from that site. Most of that would be blocked from the proposed construction.

4. I was wondering if it is possible to push for a light well on the south side that matches the one that is in existence on our building.
5. The second issue of concern is flooding problems. We are wondering what the impact will be with replacing what is now a fairly modest sort of one-story dwelling with a high priced multi-bath building of three condos and how those problems might be addressed?

ACTION: Did not take Discretionary Review and approved the demolition  
 AYES: Alexander, Bradford-Bell, Hughes, and W. Lee  
 NAYES: Antonini and Olague  
 ABSENT: S. Lee

10b. 2004.0783D (M. SMITH:  
 (415) 558-6322)

163 COLLINGWOOD STREET, east side between 18<sup>th</sup> and 19<sup>th</sup> Streets, Lot 023 in Assessor's Block 2695 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2005.01.13.3186, proposing to construct a three-story over garage three-family dwelling, located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

(Continued from Regular Meeting of November 3, 2005)

SPEAKERS: Same as those listed for item 10a.

ACTION: Took Discretionary Review and approved the new construction modifying the south side lighwell on the upper level and requiring that footprint to apply to levels M and L as shown on drawings dated September 30. The project is also to be modified to eliminate the 10-foot aluminum mass that extends atop the building.

AYES: Alexander, Bradford-Bell, Hughes, and W. Lee  
 NAYES: Antonini and Olague  
 ABSENT: S. Lee

11. 2005.0074D (R. CRAWFORD:  
 (415) 558-6358)

231 ORTEGA STREET - south side between 9<sup>th</sup> and 10<sup>th</sup> Avenues. Assessor's Block 2125 Lot 001F - **Request for Discretionary Review** of Building Permit Application No. 2004 1005 6033 to construct a full third story on the existing single family dwelling and to extend the building toward the front, west side, and rear, in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications

SPEAKERS:

David – DR Requestor

1. I'm a neighbor directly to the east of the subject property.

2. This is a key lot property. You can see that the increase of the size is going to have a very large impact on our property.
3. My wife owns and runs a family day care in our house which we've had for about the last 20 years. Losing sunlight and air, which would be caused by the extension of this property, will have a devastating effect on the running of the day care.
4. I'm also a licensed structural engineer and I have to tell you that I feel that the plans as submitted do not meet code, and cannot meet code, and are still a demolition.
5. In my opinion, they are highly unprofessional.
6. [To illustrate his point, he walked the Commission through the seismic requirements.]
7. This was a sound house that has been occupied for the last 30 to 40 years.
8. It is in fact an affordable house.

#### **Kristine Alba**

1. On July 22<sup>nd</sup> of this year I purchased 1901 and 1903 9<sup>th</sup> Avenue, which sits on the corner of Ninth and Ortega.
2. Two days ago I returned from my honeymoon and was informed by a neighbor of the plans to build a larger structure at 231 Ortega
3. Before this I had not heard anything about this.
4. 231 Ortega is directly behind my home and goes straight into the sidewall and covers both the back bedrooms on the rear of my unit, which is on the top floor and rear of the unit below mine, which is my tenant.
5. As it is now, this building dwarfs my building and creates a huge shadow on the backyard as well as not allowing any sunlight in my tenant's unit.
6. There will be significant loss of sunlight to my backyard as well as both bedrooms in the back of my unit and my tenant's unit if this building goes up any higher than what it is right now.
7. I ask that you don't let this be built.

#### **Hugh Conroy**

1. I'm the resident owner of 1907 9<sup>th</sup> Avenue and I've been there for 36 years.
2. I've had this house on Ortega Street in view from my backyard for all that time and that house has always been occupied.
3. Most people that have lived there found it a very desirable place to live. It has a beautiful southern exposure backyard.
4. I absolutely see it as a sound affordable house.
5. I'm in opposition to the planned enlargement because of the impact with respect to air and light to the rear of my property.

#### **Sue Hester -- Attorney for the DR requestor**

1. [On the basis of the owner's filing, she showed floors and walls that are to be eliminated/demolished, and floors that can't be supported. She also showed the dry rot notation.]
2. She pointed out the engineer's name on the application is James Lee.
3. He has been the subject of discussion at DBI and at the Planning Department for exactly these kinds of dry rot demolitions.
4. The bottom line is that this is going to be fully demolished.
5. We appreciate Mr. Crawford [staff] saying if you're going to build anything additional, you have to have it only on this 32-foot front portion of the building.
6. You've heard from the people who are affected.
7. You really shouldn't be inviting people to dissemble on their applications.
8. This is really a demolition and I don't think you should approve it.

**Chong Tung – Project Sponsor**

1. The house is only a 50-foot house sitting on a hundred foot lot. It is not long at all.
2. Right now the height is 29 feet and it is already a three-story building.
3. It does not go up any higher.
4. According to my drawing, it goes up to 32 feet.
5. Compared to the other buildings, it is a lot smaller than the three neighbors who are complaining.
6. It is not a light well situation.
7. The massing is within the city's guidelines.
8. According to my architect, James Lee, traditionally a San Francisco building can be remodeled/reinforced by plywood.
9. We don't necessarily have to tear down everything.
10. I have a big family and I would like to provide them with housing.

ACTION: Took DR and denied the proposed project

AYES: Alexander, Antonini, Bradford-Bell, Hughes, W. Lee and Olague

ABSENT: S. Lee

**F. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**NONE**

Adjournment:

**6:22**

**P.M.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, APRIL 6, 2006.**

SPEAKERS: None  
ACTION: Approved  
AYES: Alexander, Antonini, Bradford-Bell, Hughes, Olague  
EXCUSED: S. Lee  
ABSENT: W. Lee







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City and County of San Francisco

## Planning Department

December 1, 2005

# SAN FRANCISCO PLANNING COMMISSION

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## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 1, 2005

**1:30 PM**

**Regular Meeting**

**COMMISSIONERS PRESENT:** Sue Lee; Michael J. Antonini; Kevin Hughes;  
Christina Olague

**COMMISSIONERS ABSENT:** Dwight S. Alexander; Shelley  
Bradford-Bell; William Lee

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE  
AT 1: 42 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry  
Badiner – Zoning Administrator; Rick Crawford; Michael Li; Mary  
Woods; Ben Fu; Diana Sokolove; Isolde Wilson; Tom Wang; Jonas  
Ionin – Acting Commission Secretary.

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to

hear the item on this calendar.

1a. 2005.0148DDV  
(415) 558-6354)

(J. PURVIS:

1140 POTRERO AVENUE - west side north of 24th Street; Lot 009 in Assessor's Block 4211 - **Neighbor-Initiated Discretionary Review** and **Mandatory Discretionary Review** under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2004.07.23.9619 proposing the construction of a three-story-over-garage, three-family dwelling in an RH-3 (Residential, House, Three-Family) Use District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Take DR and Disapprove the Replacement Building.

(Continued from Regular Meeting of July 21, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell, W. Lee

1b. 2005.0148DDV  
(415) 558-6354)

(J. PURVIS:

1140 POTRERO AVENUE - west side north of 24th Street; Lot 009 in Assessor's Block 4211 - **Front Setback Variance** under Section 132 of the Planning Code to construct a three-story-over-garage, three-family dwelling within 6.5 feet of the front property line, whereas a 15-foot setback would be required under Section 132. The property is within an RH-3 (Residential, House, Three-Family) Use District, and a 65-A Height and Bulk District.

(Continued from Regular Meeting of July 21, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell, W. Lee

2. 2005.0456EC  
(415) 558-6351)

(K. AMDUR:

55 PAGE STREET - south side between Franklin and Gough Streets, Lot 9 (formerly Lots 7 and 8) in Assessor's Block 854 - **Request for Conditional Use authorization** to modify conditions of approval for a previously approved residential project proposed for the subject site but not yet constructed. That project would remodel an existing building at 49 Page Street demolish an existing building at 53 Page St., and construct an 8-story residential building with 128 dwelling units, ground floor commercial space and 126 parking spaces in a below-grade parking garage. The proposed modifications would change conditions of approval (1) related to the Below Market Rate (BMR) units, to allow them to be sold rather than restricting them to rental tenure only and (2) to "un-bundle" the residential parking spaces (to allow units to be sold without parking spaces). This project is within an NC-3 District and an 80-A Height and Bulk District.

Preliminary Recommendation: Approval w/conditions to "un-bundle" parking and Disapproval of ownership tenure for BMR units.

(Continued from the Regular Meeting of October 27, 2005)

(Proposed for Continuance to January 12, 2006)

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell, W. Lee

**B. COMMISSIONERS' QUESTIONS AND MATTERS**

3. Commission Comments/Questions  
**Commissioner Antonini:**

1. Would like to comment on a procedural item. While it has its genesis in a discussion of a particular issue, I think in general terms when we receive legislation or items that we consider from Supervisors or from other sources that have a number of different items, I think it would be well to try to have discussion of all the different bullet points.
2. Admittedly, when you approve something, you approve the entire item--whether or not the Commission has discussed the bullet points, or different provisions, openly. But, I think when we are dealing with something that has a lot of very different points, it would probably be a good procedure to try to somehow take commentary or try to discuss all of them.
3. I think that in some instances, at least in this particular instance, that wasn't the case.
4. Although I think this Commission is very good in general about the findings and the fact that the things are vetted very thoroughly, but there have been a couple of instances where I think sometimes things may go through that are the result of perhaps not being completely considered. I think that it is important that we try to do that wherever possible in the future.

**Commissioner Hughes:**

1. About six or eight weeks ago we had an informational hearing on the City's First Source Hiring Program. Since that hearing date I happened to catch a Budget and Finance Subcommittee meeting of the Board of Supervisors in which that was an item on the calendar.
2. Supervisor Mirkarimi had proposed or has proposed an ordinance related to that, which essentially puts enforcement and compliance provisions in there in addition to raising the penalty for noncompliance.
3. I would like to recognize him for his efforts on that. It's a very important program.
4. It's kind of been sitting there for a long time without a real enforcement mechanism. So I think I would just like to express my appreciation and thanks for his well thought out ordinance that tightens up compliance with that program.

**C. DIRECTOR'S REPORT**

4. Director's Announcements

1. Board of Supervisors will be holding a Land Use Committee meeting on Wednesday and on the agenda would be the C-3 Residential Parking Legislation.
2. Also, there was an article in the paper today that I found curious and a bit annoying.
3. That article says, "Planners don't want to block freeway views." When you read on into the article, it isn't quite that. I did send a short note to the Examiner about this.
4. We've asked the sponsors of the project to provide use with various photo montages so we can understand this from the location.

5. They are proposing to increase the height to 85 feet.
6. I think this was a well thought out proposal on the Project Sponsor's part to have a newspaper article that suggests some way or another the Planning staff is presenting some very narrow view there.
7. We are concerned about commuters' views from the freeway. Quite the contrary. We look and try to address all implications of a project. I don't want you to be misled by this.
8. This is a project that is under review and we have made no decision whatsoever on what is the appropriate priorities that would say yes or not about an added 5 feet at this location.
9. Finally, let me also point out two court cases that should be of some interest to you, 1) this was a Housing Element challenge, as you recall. The City succeeded in that case and the case has been dismissed.
10. There was a petition of a writ of mandate that was denied. Which means that the petitioner has the right to appeal it, but they would have to go to the Court of Appeals on that.
11. I do not think they've made that decision yet. At this level the City was successful in sustaining its point of view.
12. The City Attorney can mention the Department of Building Inspection case.

#### **Susan Cleveland-Knowles, Deputy City Attorney's Office**

1. The second case the Director is referring to is the Superior Court validation of the City's transfer from the Department of Building Inspection, building permit fees to the Planning Department for long range planning.
2. The Superior Court validated that transfer and found that because long-range planning is related to the issuance of building permits, that it was appropriate to use building permit fees to fund long-range planning.
3. Any time the City has to issue a building permit, it needs to find that it is consistent with the zoning and the general plan.

#### **5. Review of Past Week's Events at the Board of Supervisors and Board of Appeals**

##### **BoS:**

1. On the November 22<sup>nd</sup> hearing the Board passed the Medical Cannabis Legislation on its second reading. We expect it to be implemented right around the first of the year.
2. CEQA appeal of 600 Illinois – The Sponsor and the Appellant in this case did reach an agreement.
3. 680 Illinois – there was a de-facto withdrawal and the Board did uphold the Department's and your determination that the project was eligible for a negative declaration.
4. Music City Project – 1353 Bush Street -- a conditional used you reviewed several months ago was appealed to the Board. There was a great deal of public comment. The Board upheld your decision unanimously.
5. Supervisor Daly introduced a draft ordinance not too long ago. This time it is a formal proposed ordinance. It will be forwarded to you for your consideration. It is regarding modifications to the Planning Code with respect to inclusionary housing requirements.
6. The Supervisors are interested in amending Section 135 of the Code to increase the percentages below market rate units required on a given property from anywhere between 3 and 8%.
7. Supervisor Daly also introduced a proposed moratorium in the City of all condominium conversions. This would be in place, should it be adopted, until the City could study the impact of TIC'S.
8. The third and fourth and last items that I would like to talk about relate to Telegraph hill and the Historic District on Telegraph Hill. The items are not



related. They are as follows: 1) Supervisor Alioto-Pier introduced an ordinance to expand the boundaries of the Telegraph Hill District; 2) Supervisor Daly would add criteria to the Historic District in order to include alterations and demolitions of three as issues requiring historic review. This is of course in response, in part, to some issues that have been raised in the media and elsewhere regarding recent tree demolitions on the Telegraph Hill.

**BoA: None**

6.

(L. BADINER:

(415) 558-6350)

Informational hearing on the City's Green Building and Green Streets Initiatives.

**SPEAKERS:**

**Patricia Vaughey**

1. In 1982 we suggested something similar to this. I'm glad 26 years later someone thinks it's the right idea.

**Jeremy Paul**

1. Commented on the question raised by President Lee about implementation at the lowest level of our community. The residential development and residential remodel construction and the way these ideas can permeate further.
2. Time is all they care about [architects and builders]. Time is more than money.
3. If they can make decisions driven by following some of the guidelines that the Department of the Environment has put so much effort into – putting it in writing – we are going to see some real results.
4. If we start to change the way builders think about where their money is going, how they are spending their money to get their project done, we will see the recommendations in this book start to be implemented at all levels of our residential development.

**John Bardis**

1. The Mayor has a nice visionary concept that is proposed to you. I am sort of concerned and I think people should be concerned that in trying to expand, what we're trying to have as a resource in terms of trees in neighborhoods in the City and greening our City, one would hope there would be some mention in this proposal, that the existing trees – Mr. Hughes referred to the ones on Shasta Street – would somehow be addressed.
2. That is the resource. If we allow those to either deteriorate or be removed, we will in effect be canceling whatever efforts this proposal is supposed to be putting together.

**Sue Hestor**

1. I find this all very interesting and think of the people behind me as resources to the Planning Department and the Planning Commission. Because one of the issues you have all the time is sunlight.
2. It would be very helpful if the Department of the Environment would be helpful to work through the dilemma that you have which is infill buildings and existing neighborhoods that have lot line to lot line coverage. What is the value of sunlight to the property that is next door?
3. It doesn't do anyone any particular good if the building next to you is green certified but it cuts off all the light to your garden and all the light to your windows.

4. It is not only sunlight in the window; it's also sunlight in gardens.
5. These are big issues you deal with every week at the Planning Commission and the Department of the Environment has to think through these issues if they really want to claim the green credential.

#### **D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

##### **SPEAKERS:**

**Chris Duderstadt**

1. Worked with SPEAK on preparing the land marking. Sadly your staff didn't point out that on last Tuesday, the Board of Supervisors approved unanimously the land marking of the Concourse, or at least what will be left of the Concourse after the current project completes.
2. I must express outrage at the conduct of one of your commissions.
3. You impeaneled the Concourse Advisory Commission to serve as a vehicle for the public to communicate with what turns out to be a private group of developers. As the Concourse Authority itself has move to a bi-monthly meeting scheduled, and they will not meet again until the project will be bought off entirely, I went to the Concourse Advisory Committee.
4. I sad and listened to they follow no agenda.
5. I am asking that in the future, in the acceptance of an EIR when you establish advisory committees, that you take a little more interest in how these will impaneled and how they will function.

**David (unclear last name)**

1. Spoke in regard to block book notations and enforcement priorities.

**Patricia Vaughey**

1. This greening idea is a very good idea and I think it is a wonderful concept.
2. Every neighborhood really should have a say in what their neighborhood looks like.
3. We have to have outreach to discuss what is going to work, otherwise we're going to have a debacle.

**No name stated**

1. Spoke in regard to Supervisor Chris Daly's proposed moratorium on condo conversions.

#### **E. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in

which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

7. 2005.0281C (R. CRAWFORD;  
(415) 558-6358)

415 JUDAH STREET - south side between 9th and 10th Avenues, Assessor's Block 1844 Lot 048) - **Request for Conditional Use authorization** under Planning Code Sections 161.j to remove existing parking for a residential unit to allow development of 1,000 square feet of ground floor commercial space. This project lies within the Inner Sunset Neighborhood Commercial District and within the 40-X Height and Bulk Districts.

Preliminary Recommendation: Approval with Conditions.

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell, W. Lee  
MOTION: 17150

8. 2004.0563EKC (M. LI:  
(415) 558-6396)

990 COLUMBUS AVENUE - southeast corner at Chestnut Street, Lot 048 in Assessor's Block 0065 - **Request for Conditional Use authorization** to install a wireless telecommunications facility for Cingular Wireless (consisting of three antennas and three equipment cabinets) on the existing three-story office building. The equipment cabinets will be located on the roof of the building. The project site is within the North Beach Neighborhood Commercial District, and a 40-X Height and Bulk District. The proposed facility meets Location Preference 2 of the WTS Facilities Siting Guidelines.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell, W. Lee  
MOTION: 17151

#### ITEM #9 WAS TAKEN OFF CONSENT CALENDAR

9. 2005.0564C (M. WOODS:  
(415) 558-6315)

2101 LOMBARD STREET - southwest corner of Lombard and Fillmore Streets; Lot 1, in Assessor's Block 510 - **Request for Conditional Use authorization** under Sections 303 and 712.43 of the Planning Code to allow the demolition and reconstruction of a large fast-food restaurant (Kentucky Fried Chicken/Taco Bell), which is also a formula retail use, in an NC-3 (Moderate-Scale Neighborhood Commercial District) and a 40-X Height and Bulk District. The proposed project would include the demolition of the existing one-story KFC/Taco Bell building with four surface parking spaces, and the construction of a new one-story building with six surface parking spaces, containing approximately 2,000 square feet of floor area, and ranging in height from 20 feet (to the top of the roof) to 26 feet tall (to the top of the cupola).

Preliminary Recommendation: Approval with Conditions

SPEAKERS:

**Patricia Vaughey**

1. All trash recycling containers shall be stored and locked on-site.
2. At night we have a homeless problem concerning trashcans.
3. We clean the public areas three times a day.
4. We have a problem with a wind tunnel factor where if anything is dropped in front of KFC its flies over Lombard and lands in front of a Dentist's office. I hear about it every morning.

**Jim Nickle**

1. Concerned about the constant problem with a newspaper rack that is in front of his establishment and trash.
2. We pick up our trash, but the newspaper in the rack is free to the public and they pull everything out and drop it on the ground when they're waiting for the bus.

**ACTION:** Approved as amended: Condition C(3) should read – All trash and recycling containers shall be stored **and locked** on-site until pick-up by the waste disposal company. Condition C(4) should read – The Project Sponsor shall maintain the entrance to the Project Site and all sidewalks abutting the subject property in a clean and attractive manner. Waste receptacles shall be provided on both sidewalks fronting on Lombard and Fillmore Streets, and within the parking lot. Restaurant staff would clean the public areas three times a day **within one block**, and the sidewalks would be steam-cleaned twice a month.

**AYES:** S. Lee, Antonini, Hughes, Olague

**ABSENT:** Alexander, Bradford-Bell, W. Lee

**MOTION:** 17152

**•RE GULAR CALENDAR**

10. 2004.0546C  
(415) 558-6613)

(B. FU:

**680 ILLINOIS STREET** - northwest corner of Illinois and 18<sup>th</sup> Streets, Lots 003 & 007 in Assessor's Block 3994 - **Request for Conditional Use Authorization** under Planning Code Sections 215, 303, and 304 to create a new Planned Unit Development (PUD) to allow the construction of up to 35 dwelling units, 7,000 square feet of commercial space, and 41 independently accessible off-street parking spaces within a M-2 (Heavy Industrial) District with a 50-X Height and Bulk designation, and in the Housing/Mixed Use Zone as designated by Planning Commission Resolution No. 16202. Exceptions are requested from density, off-street parking, and permitted obstructions, as mandated by the Planning Code.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of November 17, 2005)

**SPEAKERS:**

**Manny Flores, Local 22 representative**

1. We have reached an agreement and are now in support of the project.

**Joe Boss**

1. Speaking on behalf of the Dogpatch Chamber Association
2. We have reached an understanding with the Project Sponsor and we have joined in an appeal at the Board of Supervisors and we resolved the issues.

**Sue Hestor**

1. When you have projects that are coming through before; you have a circulation plan for parking, pedestrians, traffic and amenities, you don't know how, you don't have the tools before you to sort it out.
2. We don't have a resolution of the circulation plan for this neighborhood.
3. You all have to do it now. You can't defer it.

ACTION: Approved with an amendment to condition #10 without a reference to Illinois Street  
 AYES: S. Lee, Antonini, Hughes, Olague  
 ABSENT: Alexander, Bradford-Bell, W. Lee  
 MOTION: 17153

11. 2001.1149E (D. SOKOLOVE:  
 (415) 558-5971)

**SUNOL/NILES DAM REMOVAL PROJECT - Public Hearing on the Draft Environmental Impact Report.** The San Francisco Public Utilities Commission is sponsoring the proposed project, **which consists of the partial removal of Sunol and Niles dams to allow fish passage in the Niles Canyon reach of Alameda Creek and to address liability and public safety issues.** In association with the removal of the dams, impounded sediment would either be left in place, or would be off-hauled except for a portion of the sediments to fill in the plunge pools downstream of the dams. The proposed project is located in unincorporated Alameda County.

Preliminary Recommendation: No Action Required. Public hearing to receive comments only.

**Note: Written comments will be received at the Planning Department until 5:00 p.m. on December 7, 2005.**

SPEAKERS: None

ACTION: Meeting held to receive public comment only. No Action Required.

12. 2005.0881D

(I.WILSON (415) 558-6163

667 3<sup>RD</sup> AVENUE - west side between Balboa and Cabrillo Streets; Lot 017 in Assessor's Block 1641 - **Request for Discretionary Review** of Building Permit Application No. 2005.03.07.6870, proposing to construct a three-story addition at the rear of the building and to add a second dwelling unit to the existing three-story single-family dwelling, located within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of November 17, 2005)

**DISCRETIONRY REVIEW APPLICATION WITHDRAWN**

13. 2005.0528DDD

(T. WANG:

(415) 558-6335)

1810 36<sup>TH</sup> AVENUE- east side between Noriega and Ortega Streets;



Lot 044 in Assessor's Block 2072 - **Request for Discretionary Review** of Building Permit Application No. 2004.09.15.4196 to construct a partial third story vertical addition, at the existing one-story over garage, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

Philip Gao.

**SPEAKERS:**

**(Kwong Yuen, Discretionary Review Requestor**

1. Concerned about the devaluation of his property and losing his privacy.

**Philip Gao, Discretionary Review Requestor**

1. My family and I don't want them to build a third story on their house because it will affect our privacy.

**Jennifer Tran, Discretionary Review Requestor**

1. Concerned about her privacy, light and view.

**Donald Lu, Architect for Project Sponsor**

1. Gave an overall description of the project's design.
2. Asked the Commission to approve the project.

**Timy Yan, Homeowner**

1. My proposed addition is based on the need that I have for my parents. I do not wish to cause any inconvenience to my neighbors.

**ACTION:** Did not take Discretionary Review and approved the project.

**AYES:** S. Lee, Antonini, Hughes, Olague

**ABSENT:** Alexander, Bradford-Bell, W. Lee

## **G. PUBLIC COMMENT**

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public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**5:14**

**P.M.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, APRIL 6, 2006.**

SPEAKERS: None  
ACTION: Approved  
AYES: S.Lee, Antonini, Hughes, Olague  
ABSENT: Alexander, Bradford-Bell and W. Lee





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City and County of San Francisco

## Planning Department

December 8, 2005

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 8, 2005

**1:30 PM**

Regular Meeting

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COMMISSIONERS PRESENT: Sue Lee; Michael J. Antonini; Shelley Bradford  
Bell; Kevin Hughes; William L. Lee; Christina  
Olague

COMMISSIONER ABSENT: Dwight S. Alexander

THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE  
AT 1:47 P.M.

STAFF IN ATTENDANCE: Dean Macris – Director of Planning; Larry  
Badiner – Zoning Administrator; Teresa Ojeda; Rick Crawford; Dan  
Sirois; Dan Dibartolo; Michael Li; Dan Sider; Sara Vellve; Isolde  
Wilson; Mary Woods; Linda Avery – Commission Secretary

### •CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later

date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2005.0842D (A. LIGHT:  
(415) 558-6254)

1135-1139 GREEN STREET, in Assessor's Block 125, Lots 115-116, **Request for Discretionary Review** on Building Permit Application No. 2005.06.16.5311 to construct a new subterranean basement and five car garage under three existing two-story townhouses. A garage entrance door would be inserted into the far east side of the existing masonry retaining wall along the Green Street frontage. A curb cut will also be constructed. The subject property is in an RH-3 (Residential, House, Three Family) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve project

(Continued from Regular Meeting of November 3, 2005)

**(Proposed for Continuance to December 15, 2005)**

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Olague, W. Lee  
ABSENT: Alexander, Bradford-Bell, and Hughes

2. 2004.0400D (G.  
CABREROS: (415) 558-6169)

730 GREAT HIGHWAY - east side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1595 - **Request for Discretionary Review** of Building Permit Application Nos. 2003.05.29.5813 and 2005.10.18.5856 proposing to construct two three-story, two-unit buildings (four units total) on the vacant subject lot in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. The subject lot is bounded on three sides by the Ocean and Parc Village Planned Unit Development.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Continued from Regular Meeting of November 3, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
ACTION: Continued as proposed  
AYES: S. Lee, Antonini, Olague, W. Lee  
ABSENT: Alexander, Bradford-Bell, and Hughes

#### B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Commission Comments/Questions

**Commissioner Antonini:**

- Like everyone else, I saw today's article with regard to Rincon Hill and the comments that there was some question about the permitting process in regards to seismic issues in relation to this.



2. I just wanted to ask staff if they had any reaction to that? Why is this coming up at this time? It is sort of unusual.
3. We have been a high rise building in San Francisco for a long time and I don't ever remember this type of consideration, especially at this point in the process. One would have thought it would have happened before it came to us for the approval.
4. Maybe Director Macris can give me some information on that.

**Dean Macris, Director of Planning:**

1. I have had an opportunity to talk to Amy lee, Director of DB I on this issue. I don't know that there's anything to say yet on how this is all going to be resolved. It is somewhat of a surprise that it is being raised at this point. And the peer group that reviewed all the actions for safety here seem to be confident that this building is being built under the right set of rules.
2. I had a conversation with a geotechnical engineer this morning to get some advice from him.
3. I know the Mayor's Office is very concerned about this, and I'm sure it's going to be resolved. We will keep the Commission informed on this.

**Commissioner W. Lee:**

1. Had a question for the Director of the City Attorney's Office.
2. Two years ago, Supervisor Alioto-Pier sponsored a measure with the voters – it was Proposition "I" regarding economic impact against rules and regulations that affect the City.
3. I guess my question to the City Attorney's Office and to the Department, when we make decisions, or someone makes a decision regarding the impact of new ordinances or regulations, are we required to have the Controller's Office look at the economic impact?

**Kate Stacey, Deputy City Attorney**

1. I don't really know the answer to that.
2. It has come up to a certain extent in the discussion that I was going to report to you a little later on about our experience with the Land Use Committee and the C-3 Residential Parking Issue.
3. There's been some discussion about how do you examine the economic impact of that, and whether those funds could be used for this purpose?
4. I think we need to look into that and get back to you on it.

**C. DIRECTOR'S REPORT**

1. Director's Announcements

**None**

5. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

**BoS:**

1. Yesterday the Land Use Committee could not act on the

Residential C-3 Parking issue, because the environmental review has been appealed.

2. I did represent the Commission's actions yesterday and stressed the two most critical points. One being the .75 for the maximum amount of parking and expressed the basis for that action.
3. Also, I talked about the notion of parking as a primary use downtown.
4. The legislation as drafted by Supervisor Chris Daly would permit any addition to parking as a primary use downtown.
5. The Commission did not support that notion
6. I also indicated to them that the resolution you adopted also called for the Board to consider a study being done for parking so we could understand better how cars are being used by those who live downtown, and the extent to which people downtown have cars.
7. Supervisors Maxwell and McGoldrick were the two supervisors present and they asked several questions of how that study could be done. They gave no indication that that's what they favored, but they were very interested in the idea of doing some analysis of this issue.
8. I should also report that the Mayor's Office sent a letter to the Board, saying that he would recommend that this study be done prior to any action.
9. Now it has been put over until after the first of the year.
10. There was also an appeal of your action at 80 West Portal – The Commission granted a conditional use for a mortgage broker at the old Toy Village site.
11. For many years this pseudo Victorian building had a toy village and toy store in it, and most recently it had a house and home furnishing store in it.
12. You granted CU approval in October I think.
13. It was a fairly controversial case.
14. At the same time you had Sterling Bank at 115 West Portal and the Commission disapproved that.
15. In my understanding of your actions, I think you were particularly taken by the fact that the 80 West Portal was a very deep site, a fairly large space that had proven successful over the last number of years, in keeping tenants alive [?]. The space was not particularly flexible and I think that was one of the reasons why you took that action.
16. The West Portal Association I believe appealed that.
17. The Commission decision was overturned 11-0.
18. It seemed that although the Board recognized why you took your action, the neighborhood was extremely opposed to this.
19. The Board said essentially that we need to listen to the neighborhood on this.
20. I believe there was also an environmental appeal at the full Board that was continued.
21. On Tuesday, Supervisor Alioto-Pier introduced an ordinance that would modify the administrative code and expand the applicability of the Mills Act.

**BoA:**

1. – Demolition/New Construction – The Board upheld the Commission decision by 4 to 1.
2. Everyone agreed that the foundation of the building was inadequate.

3. The other case that is of interest was 19<sup>th</sup> and Sloat—the pumpkin patch that I shut down and the Christmas tree farm that I refused to shut down.
4. The Board, after a long hearing, essentially upheld the permit and opposed the conditions of approval because the permits are only temporary and the conditions would evaporate.
5. We agreed that we would put them on notice of restriction.
6. For the most part they said the project sponsor will obey the law and pay the department \$1,000 for all the work that the extensive appeals cost.

## ITEMS 6 AND 7 WERE CALLED AND HEARD TOGHETER

6. 2005.1036ET  
(415) 558-6251)

(T. OJEDA:

ORDINANCE AMENDING THE PLANNING CODE TO EXPAND THE APPLICATION OF INCLUSIONARY AFFORDABLE HOUSING PROGRAM - Informational Hearing - Consideration of an ordinance [Board of Supervisors File Number 051668] which would amend Planning Code Sections 315.2 and 315.3 to expand the application of the Inclusionary Affordable Housing Program from buildings of 10 or more units to buildings of 5 or more units; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
Preliminary Recommendation: No action required

### SPEAKERS:

**Dick Millet**

1. I live in Potrero Hill
2. I 'm having a problem coming down to five units.
3. If I do a project with five units, I would reduce it to four and make them luxury units.
4. If I were doing a project for six units, I would reduce it to four and make them luxury units and make them bigger.
5. We will just eliminate five and six unit buildings and get more of the four.
6. We will hurt our housing stock whether it's affordable or not.
7. I think reducing is going to bite us.
8. The other one-off site housing is going to bite us also.
9. I think we're building ghettos with some of that money.

**Ted Lowenberg**

1. Inclusionary housing policies have generally been a failure.
2. They have fallen tremendously short of their stated goals, because it imposes another tax upon the people who build, and subsequently own or occupy this housing.
3. Fewer housing units are built overall when the inclusionary zoning rules are imposed and that makes prices of all housing higher.
4. If you support this requirement, what you're going to be supporting is higher housing cost, increased displacement of tenants, driving small construction companies out of business, and you're going to slow down the city's economy.
5. I urge you to reject any notion of adopting these two measures.

**Sara Carlinski, San Francisco Urban Planning and Research Association**

1. SPUR, has concerns over the content and timing of Supervisor Chris Daly's legislation.
2. It's an irrefutable fact that there is a need for market rate construction. There should be encouragement of both.
3. The question of how much inclusionary housing the market rate can bear requires a technical response. It is important that we get the numbers right.
4. If we set the percentage too high, we have the potential of shutting off production of housing.
5. If we set it too low, we miss out on affordable housing that we might otherwise have gotten.
6. SPUR is in support of the study that the Planning Department is currently undertaking, and we would really request that you consider putting off any decisions on either of these ordinances until you've had an opportunity to see what the results of these studies have been.
7. With regards to Supervisor McGoldrick's Legislation, SPUR is in support of the concept of expanding the inclusionary housing ordinance, to apply to projects of five or more units.
8. We're concerned about the mechanics of the legislation. The way the ordinance is structured currently, you end up having to round up for units or projects that are between five and nine units, which creates a disproportionate burden on smaller project.
9. We recommend a fractional fee. Lets say you are taking a seven unit project and applying a 10% inclusionary requirement. That project would be required to pay .7 or 70% of the in lieu fee for the project of that size. You create sort of a graduated mechanism for dealing with the in lieu fees. That creates a disincentive to create projects where you have to round out. Instead you try to do projects that produces a proportional unit of .5 or less
10. We really recommend that you defer any action on the Daly legislation until such time as the study is completed, and we request that you take a look at the fractional methodology in calculating the in lieu fee.

**Calvin Welsh**

1. The program it seems is rhetorically imbalanced. The Housing Element, a policy of the City and County of San Francisco -- the Planning Department, Mayor's Office of Housing, Mayor's Office, the Board of Supervisors -- does not view inclusionary housing ordinance as the principal main, or even a large program to produce affordable housing.
2. That may come as a shock because it is used rhetorically by developers and some members of this Commission to justify very high density, super-luxurious housing development.
3. The inclusionary zoning ordinance was never designed to meet



affordable housing needs, defined by the housing element of this Department, and of this City.

4. It does not meet the needs of families, seniors, or people needing supportive housing.
5. It must be seen as part of a spectrum of programs that produce affordable housing in San Francisco.

### **Steve**

1. I share SPUR's concern about Supervisor McGoldrick's legislation, but I think we need to look at the unintended consequences.
2. Land prices per unit are much larger than a larger building.
3. You need to consider whether imposing the inclusionary ordinance on units as small as five could severely impact the ability to tie up land for housing, particularly if for a five unit building, the requirement will be 20%.
4. When the legislation was originally developed in 2002, there was a grandfathering provision in it so people that tied up land and submitted environmental review applications were subject to the existing rules and the new rules, when they went into effect went into effect gradually so that the integrity of land deals could be preserved.
5. Secondly, when you do this study, I hope the assumption will not be at the beginning that market rate housing has a negative impact on the city, but rather start with the question does market rate housing have a negative impact on the city that needs to be mitigated. What issues are negative and how do we mitigate that?
6. Ask Supervisor Daly to extend the time frame within which you have so the study you are doing can inform your response.

### **Lou**

1. I think it's been an ongoing problem with Section 315. As long as you are doing the percentage for affordable housing based on the number of affordable units and then trying to have those affordable units reflect the market rate project, I don't think you're addressing the need of affordability in terms of the needs of mixes of various types of affordable units. They may be different than the market rate mix.
2. One way to address both the issue of fractional units and people trying to come below the next increment of a whole new unit requirement is to have Section 315 base as a percentage of the gross floor area of residential construction. That's a simple way of doing it. That way you don't get people playing games with trying to make numbers work in their favor.

### **Chris Durazo**

1. In the Examiner's Real Estate Section, they had the hot deal of San Francisco, and it was like 2.5 million for St Regis Condominium



2. In SOMA, market rate is extravagant and it will only go up higher.
3. We're looking at mechanisms for balance, to try to have balance, and really to have that kind of integrity for policymakers to have that in their head.
4. They want the balance, and how are we going to do this in a fair way?
5. We need a look at kind of building a different way of addressing this.
6. Hopes the Commission takes this seriously and don't make a decision that is going to tie your hands down in terms of larger planning changes that are happening in the SOMA.

### **Sue Hestor**

1. I think Lou's idea of a percentage of gross floor area really should be considered and explored to eliminate manipulation.
2. In Chris' comments about St. Regis, the city doesn't do monitoring of these. No one tracks to see how many two and three bedroom units are actually occupied by families. I can do it. Why can't you do it? I can go into the Assessor's records and pull up the sales prices. Why doesn't the Planning Department require that it be integrated into the database on first sale?
3. It does not make sense that you do not know the houses that were approved five or four years ago that are already occupied. What did they sell for? What market did we meet? Because the Planning Department has traditionally had an attitude that all housing is desirable.
4. If what we are providing is housing that is only available to people making 300% of median I would challenge that is a valuable use of land in San Francisco. But you don't have any information.
5. We are losing families.
6. We are losing black families in particular.
7. We are losing any person who does make \$100,000 a year.  
That's a very sad City!

### **Andrew Junius**

1. A couple of brief points to wrap up on Supervisor Daly's legislation. As a general public policy we should back up. I really question the wisdom of changing an ordinance this dramatically as soon as it was passed three years ago.
2. That was a dramatic change on the market rate housing developers in the City.
3. Mr. Welsh is right, the inclusionary policy is not to take care of the City's problems.
4. It took a couple of years to get to where we were on the Leno legislation that was finally adopted and we are working under right now.
5. We need to let that legislation work.
6. We have not been through one economic cycle for housing the

City.

7. It needs to mature and needs to be given some time. There may be some tweaks but increasing the level of affordability requirement that this ordinance is looking to is irresponsible.
8. If something is done, we need to have the study first. I recommend you take the advice to ask the Board of Supervisors now to extend the time for you to consider the actions that the City might ultimately take.

**ACTION:** Meeting held. No Action. However, staff was directed to write a letter to Supervisors Daly and McGoldrick informing them of our study related to this matter and seek their thoughts on the value of the study to their ordinances.

7. (T. OJEDA:

(415) 558-6251)

ORDINANCE AMENDING THE PLANNING CODE TO ADJUST INCOME LEVELS FOR INCLUSIONARY HOUSING PROGRAM, TO INCREASE INCLUSIONARY REQUIREMENTS FOR ALL RESIDENTIAL DEVELOPMENTS OF 10 UNITS OR MORE, AND MAKING FINDINGS - Consideration of an ordinance [Board of Supervisors File Number 051685] which would amend Planning Code Section 315.1 to adjust income levels for the Inclusionary Housing Program from Metropolitan Statistical Area calculations to City and County of San Francisco calculations, amend Sections 315.4 and 315.5 to increase inclusionary requirements for all residential developments of ten or more units to provide inclusionary units; and and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Preliminary Recommendation: No action required

**SPEAKERS:** Same as Item #6

**ACTION:** Meeting held. No Action. However, staff was directed to write a letter to Supervisors Daly and McGoldrick informing them of our study related to this matter and seek their thoughts on the value of the study to their ordinances.

#### **D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**

**Katherine Howard, Friends of the Music Concourse**

1. One element on your Board of Supervisors, which we found extremely important, was left on you.
2. That is this week, at the second reading before the Board of Supervisors, the Landmark legislation for the Music Concourse did pass with a vote of +11-0.

3. Some amendments had been introduced at the last minute that weakened a little bit of the legislation, but overall we feel it is a very good piece of legislation that will help protect the Music Concourse for years to come.
4. We appreciate all the time and attention that you all gave to landmarking the Music Concourse and protecting the historic trees.

#### Judy Berkowitz

1. I understand that during Commissioner's Questions there was a question from Commissioner Antonini about the Rincon Hill project in today's paper. I thought I would tell you the status of the case.
2. You approved the 309.1 permit in August. There was a demolition permit issued and the existing building was demolished.
3. There was an excavation and shoring permit issued last month. We are working under that excavation and shoring permit, doing site preparation work now. The site permit itself has not yet been issued.
4. We are in the process to resolving all the issues that DBI has with the structural review panel and other issues that are nothing out of the ordinary other than we are proceeding under the site preparation work with the excavation and shoring permit as opposed to a site permit. But that site permit, we believe, will be issue by the end of the year and we will keep moving.

### E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

8. 2005.0861C (R. CRAWFORD:  
(415) 558-6358)

2535 TARAVAL STREET - south side between 35<sup>th</sup> and 36<sup>th</sup> Avenues, Assessor's Block 2390 Lot 043) - **Request Conditional Use authorization** under Planning Code Sections 711.54 for to develop a Massage Establishment on the ground floor of the existing three-story mixed-use building. This project lies within an NC-2 (Small Scale Neighborhood Commercial District and within the 40-X Height and Bulk Districts.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
ACTION: Approved  
AYES: S. Lee, Antonini, Olague, W. Lee  
ABSENT: Alexander, Bradford-Bell, and Hughes  
MOTION: 17154

9. 2004.1069C (D. SIROIS:  
(415) 558-6313)

1815-1817 TARAVAL STREET - south side of Taraval between 28th & 29th Avenues, Lot 041 on Assessor's Block 2397 - **Request for Conditional Use authorization** under Section 161(j) to eliminate two required off street parking spaces at the ground floor as part of an alteration to an existing residential building. The proposal would include the construction of an 1,100 square foot street level commercial space

and two dwellings units on the upper two levels. The proposal is to use the ground floor commercial space as a retail outlet geared for children called Cutie Inc. The Project Site is located in an NC-2 District (Neighborhood, Small Scale) and in a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
 ACTION: Approved  
 AYES: S. Lee, Antonini, Olague, W. Lee  
 ABSENT: Alexander, Bradford-Bell, and Hughes  
 MOTION: 17155

10a. 2005.0818XV (D. DIBARTOLO:  
 (415) 558-6291)

149 FELL STREET - through to Hickory Street, between Van Ness Avenue and Franklin Street, Lot 017 in Assessor's Block 0834 - **Request for Determination of Compliance and Exceptions** under Section 309 of the Planning Code, pursuant to a Building Permit Applications to demolish the existing one-story commercial structure and construct a new five-story, mixed-use building approximately 67-foot high. The new building would contain: approximately 1,000 square feet of retail space fronting Fell Street, and two residential parking spaces (accessed via Hickory Street) at the ground floor level; approximately 6,600 square feet of office use at the second and third levels; and, two residential townhouse style units at the fourth and fifth levels. The project would cover the entire lot, and requests an exception to the rear yard requirements for the fourth and fifth residential levels. The Zoning Administrator will concurrently consider a variance from the public open space code provisions of Section 138. The site is located in a C-3-G (Downtown General Commercial) District and a 80-E Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKERS: None  
 ACTION: Approved  
 AYES: S. Lee, Antonini, Olague, W. Lee  
 ABSENT: Alexander, Bradford-Bell, and Hughes  
 MOTION: 17156

10b. 2005.0818XV (D. DIBARTOLO:  
 (415) 558-6291)

149 FELL STREET - through to Hickory Street, between Van Ness Avenue and Franklin Street, Lot 017 in Assessor's Block 0834 - **Request for a Variance** pursuant to a Building Permit Application to construct a new 5-story mixed use building with approximately 6,600 square feet of office space at the second and third floors. Section 138 of the Planning Code requires on-site provision of public open space for newly created office space in C-3-G zoning districts at a ratio of 1 square foot of open space to 50 square feet of office space. The open space requirement for the project is 132 square feet and the project sponsor is applying for a variance to provide none. The site is located in a C-3-G (Downtown General Commercial) District and a 80-E Height and Bulk District.

SPEAKERS: None



**ACTION:** The Zoning Administrator approved the variance subject to the standard conditions of approval and conditions that allow us to compensate essentially payment into the Downtown Open Space Fund for lack of open space actually created on the site.

11. 2005.0978C (M. LI:  
(415) 558-6396)  
1636-1656 POWELL STREET (AKA 585 COLUMBUS AVENUE) - southeast corner at Union Street, Lot 016 in Assessor's Block 0117 - **Request for Conditional Use authorization** to add a wine tasting area (Type 42 ABC license) to the existing liquor store (dba "Coit Liquor"). There will be no physical expansion of the existing building or commercial space. The project site is within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District. Preliminary Recommendation: Approval with Conditions

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee, Antonini, Olague, W. Lee

**ABSENT:** Alexander, Bradford-Bell, and Hughes

**MOTION:** 17157

#### F. REGULAR CALENDAR

12. 2005.1037ET (D.SIDER AT  
(415) 558-6697)  
[BOARD FILE NO. 051676 - ALLOWING CERTAIN ADDITIONAL EATING AND DRINKING USES IN THE 24<sup>TH</sup> STREET-NOE VALLEY NCD] - Ordinance amending Planning Code Sections 728.41 and 728.42 of the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District to provide for a limited number of new full-service restaurant and bar uses that satisfy specific requirements and obtain conditional use authorization; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. Under certain circumstances, the proposed Ordinance would (1) allow up to three new full-service restaurants to be authorized within a five-year period and (2) allow full-service restaurants to seek a permit from the Department of Alcoholic Beverage Control in order to serve liquor, beer, and wine on the premises. Preliminary Recommendation: Approval

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** S. Lee, Antonini, Hughes, Olague, W. Lee

**ABSENT:** Alexander and Bradford-Bell

**MOTION:** 17158

13. 2005.0999C (M. LI:  
(415) 558-6396)  
627 VALLEJO STREET - southwest corner at Columbus Avenue, Lots 019 and 020 in Assessor's Block 0146 - **Request for Conditional Use authorization** to establish a full-service restaurant (dba "King of Thai Noodle House") of approximately 1,850 square feet. The subject commercial space was previously occupied by a small self-service



restaurant of approximately 940 square feet that operated within a now-vacant supermarket. The space will be enlarged to accommodate the proposed restaurant, but there will be no physical expansion of the existing building. The project site is within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.  
Preliminary Recommendation: Disapproval

**SPEAKERS:**

**Moshe Dinar, Project Architect**

1. Would to speak on behalf of the property owners.
2. They have established restaurants that are of high quality.
3. What we would like to present to you, and ask for your consideration, is that this restaurant is not an intensification of the restaurant use in the area.
4. This is North Beach. This is the area where people in San Francisco, and people from all over the world, come to have dinner and lunch.
5. Gave a very brief description of the project.

**Siriana, Property Owner**

1. Asked the Commission to approve the application.

**Tony, Property Owner**

1. Urged the Commission to approve the application.

**Mark, Sponsor's Attorney**

1. This is not a different size restaurant. It is essentially the same size as the one that was there.
2. It is reasonably priced.

- I believe you have received a letter from Marsha Garland from the North Beach Association saying that they now support this proposal.

**Tony Gantner, Vice President, North Beach Merchants Association**

1. We support your Department's recommendation of disapproval.

**Patricia Vaughey**

1. If you don't have a good mix, if you don't keep an equal amount of retail or restaurants, then all of a sudden you lose your everyday traffic. When you start losing your everyday traffic, then you lose your rent money and eventually close down.
2. You need hardware stores. You need retail stores.
3. North Beach used to have that mix, but they don't have it now.
4. Think about what the future is of this neighborhood serving area.

- (1) MOTION: Intent to approve 100 sq. ft + 250 sq. for ADA compliance.

AYES: Antonini, Hughes, W. Lee

NAYES: S. Lee and Olague

ABSENT: Alexander and Bradford-Bell

RESULT: Motion failed

- (2) ACTION: Continued to January 5, 2006.

AYES: S. Lee, Antonini, Hughes, W. Lee

NAYES: Olague

ABSENT: Alexander and Bradford-Bell

14. 2005.0773D

(S. VELLVE:

(415) 558-6263)

130 26<sup>TH</sup> AVENUE - east side between El Camino Del Mar and Lake Street; Lot 1333, Assessor's Block 032 - **Request for Discretionary Review** of Building Permit Application 2005.03.23.8227 proposing to construct a two-story horizontal addition to the rear of a single-family dwelling located in an RH-1 (House, One-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised

**DISCRETIONARY REVIEW APPLICATION WITHDRAWN**

15. 2005.0940D

(I. WILSON:

(415) 558-6614)

24 19<sup>TH</sup> AVENUE - east side between Lake Street and the Presidio; Lot 013 in Assessor's Block 1340 - **Request for Discretionary Review** of Building Permit Application No. 2005.07.08.7140, proposing to build a two-story over basement addition at the rear of the two-story over basement single-family dwelling. The property is located within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

**SPEAKERS:**

**Elva, Discretionary Review applicant**

1. I represent the neighbors on either side of the permit applicant.
2. Ms. Wilson expressed our initial concerns. But since looking at the project, it's become apparent that probably this hearing is premature.
3. We have two major concerns at this point. The initial one is with the space that's considered – or labeled an office. We considered that it might be used as an illegal unit.
4. The reason we are concerned about it, is that it has a full bath.
5. Mr. Stores was approached by Mr. Harrison about installing a gate in a fence he was building. This gate coincides with the door to this downstairs space and it would provide street access to this space if it were separated from the main building.
6. Mr. Harrison has explained the he does intend to use it as housing for either a nanny or his mother-in-law. It seems he is looking for

some sort of independent unit.

7. By adding this space, he is creating a third story of occupancy.
8. When they create that extra story, they are required to build emergency egress from the top story, and they haven't provided for that in these plans.
9. There is also an error in Mr. Gladstone's brief.
10. He claims that the Harrison's have the smallest building on the block.
11. In fact, it's the Stores who are on the south side that have the smallest on the block. Their building is 1680 square feet. Right now the Harrison's have a building that is 2200 square feet. Their addition is about 1400 square feet—or almost the same size as the Stores property.
12. If this addition is allowed to go through, they will have one of the largest buildings on the block.

### **Brett Gladstone, representing Project Sponsor**

1. First of all, I am a little surprised because I have mentioned what I am about to mention many times to the Stores' Attorney.
2. There will be no trespassing. The Architect thought that we would, and we have told them many times it is not necessary.
3. Number two: we are not going to need a gate. We have a way out to the street.
4. It was true nine months ago. Our clients considered it but we have told them it's not needed and it's not in the plans before you. If we need a restriction to do that, that's fine.
5. The bedroom downstairs is a bedroom/home office. It's not just an office.
6. The proposal that the Stores have to cut back the rear addition by seven feet would make that bedroom about seven feet deep, which is hardly room for a bed.

### **Harriet Sullivan**

1. My daughter is Susan Harrison (the project sponsor).
2. I have been battling cancer. The last time I had radiation treatment, my doctor told me that my cancer would return and would become more aggressive.
3. I decided to relocate to be near my daughter and her family.
4. When my cancer returns, it will likely make living on my own almost impossible. Thus the need for me to occupy the ground level room in the new extension.
5. If it is cut back seven feet as the Stores have requested, it would only be eight feet long.
6. I don't think my queen bed will fit in there.

### **Susan Doherty**

1. My husband and I live across the street and three houses down

from the Harrison's.

2. As interested amateurs, my husband and I have studied architecture. We care about our neighborhood and are horrified by the trend toward mansions.
3. We especially appreciate the Harrison's interest in maintaining the beauty and character of our street.
4. We have studied the plans and believe they will be in character with the rest of the neighborhood.
5. Their completed project at 3400 square feet remains considerably smaller than our house at 4600 square feet.

**ACTION:** Did not take Discretionary Review and approved the project as proposed.

**AYES:** S. Lee, Antonini, Hughes, Olague, W. Lee

**ABSENT:** Alexander and Bradford-Bell

16. 1999.385C  
(4150 558-6315)

(M. WOODS:

3839 WASHINGTON STREET - south side between Maple and Cherry Streets; Lot 34 (formerly Lots 1A, 24 and 25), in Assessor's Block 992 - **Request for authorization to increase the maximum student enrollment from 186 to 200 students** at the Presidio Hill School pursuant to a previously approved Conditional Use authorization by the Planning Commission on April 13, 2000 under Motion No. 15031 for Case No. 99.385C, in an RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk Districts. The proposal does not involve any physical changes to the existing School site.  
Preliminary Recommendation: Approve request to increase student enrollment from 186 to 200.

**SPEAKERS:**

**Ann Missner, Interim Director for Presidio Hills School, Project Sponsor**

1. Would like to thank the Planning Department for past support of the school remodeling and expansion and appreciate the opportunity to be here today to complete this final step of the work.
2. Our conditional use permit approved enrollment of 200 and put into place a mechanism to phase in the enrollment increase over four years as a check to insure no serious harm to the neighborhood.
3. The school has undertaken the traffic and noise studies and indicates the moderate increase in enrollment has not had a negative impact on the neighborhood. We have engaged a sound consultant, who conducted the studies to be available today.
4. The school has worked in collaboration with the neighborhood association and the conditions of the permits by limiting number of evening and weekend meetings, asking visitors to the school to park on a street nearby, instituting a supervised drop off to insure the traffic line moves as quickly as possible.
5. It is our intent to maintain and continue to improve our relationship of active cooperation on issues of concern to the neighbors.
6. The school's plan is to expand enrollment within the range of 195 to

200.

7. The increase is intended to be in our middle school where it is important to give students an influx of new friends.
8. **Charles Ferguson, President of Presidio Heights Neighbors**
9. He asked the Commission to go ahead and approve the increase from 186 to 200 with two conditions stating that he believed that they would not have any kind of serious impact on the school and the neighborhood whatsoever.
10. But first he gave a very detailed history of the neighborhood, its character and the school. [He ran out of time before he stated the two conditions.]

#### **Jill Jordan**

1. I am opposed to the increased enrollment.
2. The school's noise and traffic report are not accurate.
3. The true measure of the impact that the school has had on the neighborhood should come from those of us who live nearby.

#### **Dianne Bower**

1. I live on Clay Street, right behind the school
2. It's very noisy. There seems to be more noise there than there ever is up on the top playground.
3. I would rather not see it expand.

#### **Francis Petracelli**

1. The school is in the middle of the block and is surrounded on three sides with little space between the school and existing homes.
2. The school is in violation of the current student limit of 186.
3. We feel the school does not follow rules and that there have been no consequences for their actions.

#### **Edgar Stone**

1. I've lived in my present location, on Washington Street since 1954, which is about 51 years. The reason somebody is speaking for me is because I'm visually handicapped and I can't see the paper. She will proceed.

#### **Marilyn Massa**

1. I live next door to Edgar and he's asked me to read his statement.
2. He asks the Planning Commission to deny Presidio Hills School request to increase enrollment from 186 to 200.
3. The site at 3839 Washington is too small for the number of students and the school is surrounded on all sides by neighborhood homes.
4. Those of us who live here can tell you it is unpleasant to live in the adjacent homes.



5. It is unfair for the city to allow the school to expand.
6. I ask that the school be kept to the 186 limit and be required to stick to it.
7. ***Speaking for myself:***
8. With increased enrollment come increased autos.
9. When parents come to pick up their children they are not thinking about the neighbors but thinking about their kids, dropping something off, or needing to talk to Johnny's mother. This will increase with more students.
10. Another problem is the noise.
11. When the play area was on ground level, I rarely heard the children.
12. None of us are supportive of an increased enrollment.
13. But if you decide to go in favor of the school, please stop the growth at 200.

### **Gwen Anderson**

1. I live across the street from the school.
2. In 2000, we were told that going higher would allow the noise to dissipate into the air from the playground. It doesn't.
3. Now it is in my house, in my backyard and the back yards on Jackson Street as well.
4. Traffic is a hazard and grows more dangerous as the school year progresses.
5. Someone needs to tell them that enough is enough..

### **James Shapiro**

1. I live across the street and was assigned to be one of the neighborhood liaisons.
2. I'm interested in a positive relationship with them.
3. I've put a lot of time into drafting what is intended to be a constructive proposal.
4. The conditions would increase harmony and make relationships easier between the school and the neighbors.
5. I would ask that you condition your decision on any increase on the completion of these agreements.
6. Currently there are no consequences for the school violating its agreements with us or with the city.

### **Louise Bloomberg, parent of a middle school student at Presidio Hills School**

1. Spoke in support of the proposed increased.
2. It will help the school remain as affordable as it can be to as many people and also helps support diversity of the school by supporting its tuition assistance program
3. Expanding the middle school even by 14 students is important
4. We live in the city. We are a community. The school has been in

the neighborhood and the community for a long time.

5. The school makes a critical contribution to life in the city.
6. I think it enhances the neighborhood.

### **Bob Baum, project architect**

1. He put a picture up to show what the school looks like and remind everyone of what we are talking about.
2. When we designed the project, we worked for a year and a half with the neighbors.
3. This project is the result of quite a bit of interaction and a lot of compromise on both sides.

### **Lisa Honig, Parent of a student and on the Board of Directors**

1. As a parent, I've been quite impressed with the length the staff has gone to about concerns of residents in our neighborhoods and to instruct them on ways that we can be considerate of the neighbors.
2. We are constantly reminded about the pick up and drop off rules so we don't create any difficulties with the neighbors.
3. We are repeatedly directed about where we should and where we should not park.
4. The school does need to strive for full enrollment to ensure the economic viability and best possible environment for the students.
5. I hope you will approve the expansion to 200.

### **Amy Pearson**

1. We are required to manage the bulge in our population as these students move through the grades.
2. In fact, while our enrollment is 191 this semester, we are anticipating an enrollment of 188 after the winter break.
3. The majority of admissions work is finished by late February, which makes the cap imminently important.
4. Having the flexibility to enroll to 200 allows us to focus on the Middle School.
5. This is where we add additional students to sixth grade, which includes outreach efforts to fulfill diversity.
6. I urge you to allow the increased enrollment to 200 as we were originally granted.

### **Max Pear**

1. In speaking with neighbors, I found that there a number of them that do understand that our neighborhood needs to be a vibrant community.
2. They do understand the mission of the school and support it.
3. There are other neighbors beside myself that do support the school expanding to 200.

**David Lahar**

1. I'm critically aware of the need for additional middle school spaces here in the area.
2. This is not a minor issue.
3. 200 will help ensure the financial stability of the school
4. I urge you to approve the recommendation.

**Charles Salter**

1. I have been an engineer in San Francisco for over 30 years.
2. I was acoustical engineer for the school prior to 2000. I met with the neighbors because of the neighborhood noise issues.
3. I measured noise levels inside their bedrooms.
4. I became intimately aware of a lot of issues.
5. I talked to the school now we found the increase in noise. They are going to develop means by which to reduce that noise of the children gathering so the people across the street on Washington Street will have a noise increase along with what our results show a decrease in the rest of the neighborhood.

**Harry O'Brien**

1. I represented the Presidio Hill in 2000 when the project was originally approved.
2. I want to reiterate this is an unusual condition that's in this motion.
3. I believe the intent of the Commission in 2000 was that there should be a presumption that this last stage in the phased enrollment cap would be – would go forward from 186 up to 200 unless these follow-up studies demonstrated that there was a real unexpected impact on the neighborhood.
4. I think this stud has demonstrate that's clearly not the case

ACTION: Approved  
 AYES: S. Lee, Antonini, Hughes, Olague, W. Lee  
 ABSENT: Alexander and Bradford-Bell  
 MOTION: 17159

17. 2004.0646E (R. DEAN:  
 (415) 558-5980)  
**263-265 DOLORES STREET - Appeal of Preliminary Mitigated Negative Declaration** - construction of three-unit residential building. The proposed project is the construction of a new four-story, three-unit residential building to the rear of an existing three-story, three-unit residential building. The project would result in a total of six off-street parking spaces provided at ground level in the new building. The proposed project includes demolition of an existing carport/storage structure. The proposed project site is located on the eastside of Dolores Street between 15th and 16th Streets, Assessor's Block 3556, Lot 30. The project site is located in the RM-1 (Residential, Mixed, Low Density) District and within the 40-x Height and Bulk District.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration.

(Continued from Regular Meeting of October 20, 2005)

**SPEAKERS:** None  
**ACTION:** Without a hearing, continued to January 26, 2006  
**AYES:** S. Lee, Antonini, Olague, W. Lee  
**ABSENT:** Alexander, Bradford-Bell, and Hughes

#### **G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

**None**

Adjournment:

**6:43  
P.M.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, APRIL 6, 2006.**

**SPEAKERS:** None  
**ACTION:** Approved  
**AYES:** S.Lee, Antonini, Bradford-Bell, Hughes, Olague  
**ABSENT:** Alexander, W. Lee







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*City and County of San Francisco*  
**Planning Department**

December 15, 2005

# **SAN FRANCISCO PLANNING COMMISSION**

## **Notice of Meeting & Calendar**

**Commission Chambers - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Thursday, December 15, 2005**

**1:30 PM**

**Regular Meeting**

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**COMMISSIONERS PRESENT:** Sue Lee; Michael J. Antonini; Kevin Hughes;  
William L. Lee

**COMMISSIONERS ABSENT:** Dwight S. Alexander; Shelley  
Bradford-Bell; Christina Olague

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT SUE LEE AT 1:32 P.M.**

**STAFF IN ATTENDANCE:** Dean Macris – Director of Planning; Larry Badiner –  
Zoning Administrator, Glen Cabreros, Michael Li, Jonathan Purvis, Joy Navarrete,  
Mathew Snyder, Linda Avery – Commission Secretary.

### **•CONS IDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to

hear the item on this calendar.

1. 2005.0565C (S. YOUNG:  
(415) 558-6346)

2110 CLEMENT STREET - north side between 22<sup>nd</sup> and 23<sup>rd</sup> Avenues; Lot 009 in Assessor's Block 1411 - **Request for Conditional Use authorization** under Sections 717.27, 186.1(b) and 303 of the Planning Code to legalize the extension of the hours of operation of an existing nonconforming full-service restaurant ("My Favorite Cafe") from 11 p.m. to 2 a.m. in the Outer Clement Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. No exterior modifications will be made to the existing building envelope.

Preliminary Recommendation: Disapproval

(Continued from Regu-Olar Meeting of August 11, 2005)

**NOTE: On September 15, 2005, following public testimony, the Commission closed the public hearing and continued the matter to December 15, 2005, by a vote +4 -0, to allow the operator to comply with the existing conditions. Commissioners Hughes, W. Lee, Olague were absent.**

**(Proposed for Continuance to January 5, 2006)**

SPEAKERS:	None
ACTION:	Continued as proposed
AYES:	Antonini, Hughes, S. Lee, W. Lee,
ABSENT:	Alexander, Bradford Bell, Olague

2. 2005.0751D (G. CABREROS:  
(415) 558-6169)

733 27<sup>TH</sup> AVENUE - west side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1617 - **Request for Discretionary Review** of Building Permit Application No. 2004.05.12.3640, proposing to construct a new third floor, a rear horizontal addition and a side horizontal addition to the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

(Continued from Regular Meeting of October 20, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS:	None
ACTION:	Continued as proposed
AYES:	Antonini, Hughes, S. Lee, W. Lee,
ABSENT:	Alexander, Bradford Bell, Olague

3. 2004.1160D (G. CABREROS:  
(415) 558-6169)

2426 GREENWICH STREET - north side between Scott and Pierce Streets; Lot 008 in Assessor's Block 0512 - **Request for Discretionary Review** of Building Permit Application No. 2005.03.10.7197 proposing to construct a four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District. The existing two-story, single-family residence on the subject lot is proposed for demolition under a separate demolition permit application.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

4a. 2005.0480CV (J. PURVIS:  
 (415) 558-6354)

2814-2824 JENNINGS STREET - west side at Egbert Avenue, Lot 001 in Assessor's Block 4912 - **Request for Conditional Use authorization** under Planning Code Sections 303 and 215(a) to allow conversion of approximately 4,000 gross square feet of commercial space into five dwelling units without access to parking or open space. The site is within an M-1 (Light Industrial) Use District, a 40-X Height and Bulk District, the Restricted Light Industrial Special Use District, and an Industrial Protection Zone pursuant to Planning Commission Resolution No. 16202.

Preliminary Recommendation: Approve the CU with modifications and conditions.

(Continued from Regular Meeting of November 17, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

4b. 2005.0480CV (J.  
 PURVIS: (415) 558-6354)

2814-2824 JENNINGS STREET - west side at Egbert Avenue, Lot 001 in Assessor's Block 4912 - **Request for Off-street Parking, Open Space and Rear Yard Variances** under Planning Code Section 305 to allow conversion of approximately 4,000 gross square feet of commercial space into five dwelling units without access to parking or open space. The site is within an M-1 (Light Industrial) Use District, a 40-X Height and Bulk District, the Restricted Light Industrial Special Use District, and an Industrial Protection Zone pursuant to Planning Commission Resolution No. 16202.

(Continued from Regular Meeting of November 17, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

4c. 2005.0481DV (J. PURVIS:  
 (415) 558-6354)

2826-2838 JENNINGS STREET - west side at Fitzgerald Avenue, Lot 002 in Assessor's Block 4912 - **Staff-initiated Discretionary Review** under Planning Code Section 311, of a building permit to convert approximately 1,200 gross square feet of commercial space to three new dwellings units without access to parking or open space, subject to variance. The site is within an RM-1 (Residential, Mixed, Low Density) Use District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take DR and disapprove the building permit.

(Continued from Regular Meeting of November 17, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

- 4d. 2005.0481DV (J. PURVIS:  
 (415) 558-6354)

2826-2838 JENNINGS STREET - west side at Fitzgerald Avenue, Lot 002 in Assessor's Block 4912 - **Request for Off-street Parking, Open Space and Rear Yard Variances** under Section 305 to allow conversion of approximately 1,200 gross square feet of commercial space to three new dwellings units without access to parking or open space. The site is within an RM-1 (Residential, Mixed, Low Density) Use District and a 40-X Height and Bulk District.

(Continued from Regular Meeting of November 17, 2005)

**(Proposed for Continuance to January 12, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

5. 2003.1108E (V. MASS:  
 (415) 558-5955)

450 FREDERICK STREET - Lot 012 of Assessor's Block 1262, bounded by Stanyan, Beulah and Shrader Streets - **Appeal of Preliminary Mitigated Negative Declaration** for the proposed demolition of a single-family residence and construction of a three-unit residence. The existing building is a 1,755-gross-square-foot (gsf) one-story-over-garage, single-family home, constructed in approximately 1897. The proposed project would result in the construction of a 5,550-gsf, four-story, three-unit residential building. The approximately 1,240-gsf ground floor would be used as a garage for the proposed three off-street parking spaces. The remaining three floors would each contain one two-bedroom dwelling unit. The proposed project would rise 40 feet from street level to the top of the parapet. The site is zoned RH-3 (House, Three-Family) and is in a 40-X height and bulk district.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Continuance to January 19, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

6. 2005.0965C (M. WOODS:  
 (415) 558-6315)

724-730 VAN NESS AVENUE (east side between Turk and Eddy Streets) and 650 - 660 Turk Street (north side between Van Ness Avenue and Polk Street) - Lots 4 and 8 in Assessor's Block 742 - **Request for Conditional Use authorization** under Sections 303 and 352 of the Planning Code to modify a condition previously imposed in Motion No. 16443 for Case No. 2001.0535CV, which approved the demolition of the existing structures on the site and the construction of a 141-unit (subsequently changed to 130 units) residential project with



ground floor retail spaces and a garage containing 51 (subsequently changed to 52 parking spaces) automobile parking spaces, 40 bicycle spaces and two service vehicle loading spaces, in an RC-4 District (Residential-Commercial Combined Districts, High Density) and the Van Ness Special Use District, and a 130-V Height and Bulk District. The proposal would modify Condition No. A(5) of the approval Motion to allow the project sponsor to designate 12 percent of the total number of units built as Below Market Rate (BMR) units, rather than a fixed number of 19 BMR units, and to offer those BMR units for sale or rental, rather than rental only.

Preliminary Recommendation: Pending

**(Proposed for Continuance to January 19, 2006)**

SPEAKERS: None  
 ACTION: Continued as proposed  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

7. 2005.0842D (A. LIGHT:  
 (415) 558-6254)

1135-1139 GREEN STREET - in Assessor's Block 125, Lots 115-116 - **Request for Discretionary Review** on Building Permit Application No. 2005.06.16.5311 to construct a new subterranean basement and five car garage under three existing two-story townhouses. A garage entrance door would be inserted into the far-east side of the existing masonry retaining wall along the Green Street frontage. A curb cut will also be constructed. The subject property is in an RH-3 (Residential, House, Three Family) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve project.

(Continued from Regular Meeting of December 8, 2005)

**Note: The Department has withdrawn the Categorical Exemption and has elected to do further environmental review/analysis. Therefore, this item is proposed for ~~indefinite~~ continuance to February 23, 2006.**

SPEAKERS: None  
 ACTION: Continued as amended  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

8a. 2003.0295CDV (I. WILSON:  
 (415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Conditional Use authorization** pursuant to Sections 209.1 and 228.3 of the Planning Code to convert a service station use to residential use and to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now vacant. This project is also seeking a Variance from the Planning Code, and is the subject of a request for Discretionary Review.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Indefinite Continuance)**



SPEAKERS: None  
 ACTION: Continued Indefinitely  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

8b. 2003.0295CDV (I. WILSON:  
 (415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Discretionary Review** of Building Permit Application No. 2003.04.25.3201, proposing to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. This project is also seeking a Variance from the Planning Code, and requires Conditional Use authorization.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Indefinite Continuance)**

SPEAKERS: None  
 ACTION: Continued Indefinitely  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

8c. 2003.0295CDV (I. WILSON:  
 (415) 558-6163)

899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 020 in Assessor's Block 0026 - **Request for Variance** from the rear yard requirements of Planning Code Section 134. The proposal is to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. A Variance is required to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior corner of the lot of approximately 1,480 square feet. This project also requires Conditional Use authorization, and is the subject of a request for Discretionary Review.

(Continued from Regular Meeting of October 27, 2005)

**(Proposed for Indefinite Continuance)**

SPEAKERS: None  
 ACTION: Continued Indefinitely  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

## B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Commission Comments/Questions  
**Linda Avery – Commission Secretary**

1. Gave the Commission a draft of the Commission Hearing Schedule for 2006 for consideration of approval in three weeks.

## C. DIRECTOR'S REPORT

### 10. Director's Announcements

1. Introduced to the Commission three new members of the Department staff.
1. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

### **BoA: {This was heard following Category D – General Public Comment 15 Minutes}**

1. At the request of President Lee, the Zoning Administrator responded to Mr. Joe O'Donohue's statement about a permit issue of Director Amy Lee of the Department of Building Inspection.
2. There was a claim that Ms. Lee did not follow the permitting process and that she received preferential treatment. The Board upheld the permit 5 to 0. William Shock, who is now an official in Alameda, represented the Department of Building Inspection, under direction from the City Attorney's Office. He is also the head of the California Association of Building Officials. He is a well recognized person in the building field. He reviewed the findings and various permits. He believed that the permits appeared correct. The claims against Ms. Lee were soundly rejected.
3. There were questions about the Planning Department's role and my role specifically. Ms Lee received an Administrative variance and there was a question about that within the Planning Code and how was it allowed to be granted without a public hearing. I had not done those up until the last two years, but given our backlog, I have started to implement those, though I do provide public notice on them. If anyone has concern, they can bring it to my attention. Ms. Lee is one of six DRs, Administrative Variance that has been granted.
4. The other claim was that her permit for a dormer was processed overly fast. It cleared the city in a week. Normally those would be over the counter permits. However, this was in the rear yard area and we had to ascertain that it was covered by the variance that was previously granted. So we did not think granting it in a week was anything extraordinary. In fact, it could have normally been done over the counter.
5. At the request of Commissioner Hughes, the Zoning Administrator responded to Mr. Williams' assertion that DR applicants and/or their representatives are not being notified as to a date that may be selected by staff for a hearing.
6. The Department's policy is that for the initial date of a Commission hearing, staff is supposed to work with both the project sponsor and the requester for DR and set a date that is agreed to. After that, preference is usually given to the project sponsor if it is a code complying building/project.

## D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

**SPEAKERS:**  
**Joe O'Donohue**

1. Once again, a Building Commission hearing scheduled for next month has been cancelled. That means that in four months, we would only have had two commission hearings effectively as a Planning Commission.
2. What we've had here is an interference with the flow of information and a suppression of critiquing and criticism of what's happening at the Bureau of Building Inspection, and that is flowing to this Department.
3. Last night there was a hearing regarding the Director of the Building Commission on her permit.
4. There is a rule in the Building Code that says if you have an unoccupied floor, if you occupy it, it becomes part of the vertical or horizontal addition. That is the rule.
5. In 1995 the Building Code was changed with a code that said unoccupied floors that transform into a four-story building have to be fully sprinkled.
6. Last night evidence was given by a Building Commissioner that he visited a [the] site.
7. There was no habitable room down there.
8. Despite that evidence, this lady was only required in what is a double standard to sprinkle just the basement, not seismic the entire building.
9. What we have here is a major cover up that involved, in fact, a public official calling some of the Commissioners or some public officials about how they could influence the vote.

#### **Patricia Vaughey**

1. Spoke on the Cow Hollow Design Guidelines
2. The purpose of these guidelines was to stop these Discretionary Reviews and to have an over all plan on how we protect the public vista of Cow Hollow as well as have the continuity of the neighborhood.

#### **Charles Mar Stellar**

1. Commended the Commission on their thoughtful and assertive way of commenting to the Board on the Better Neighborhoods proposal. The Board has continued it until January 17, 2006.
2. Many of the members didn't understand the origin and genesis of this bill and had not heard the details regarding your proposal for a pilot.
3. The Board needs to hear directly from its Planning Commissioners by visit and by telephone
4. I would recommend you prepare an estimated budget for your pilot program to present to the Board.
5. Commissioners, it is imperative for you to directly assert yourselves at this critical time so we can achieve best outcomes for this important policy matter.
6. Planning by ballot initiative is certainly not a good outcome.

#### **Steve Williams**

1. Wanted to speak on one issue mentioned by President Lee, and that is managing your calendar and your agenda.
2. You may not know it, but the Discretionary Review applicants, the neighbors, the appellant, are actually given no rights in the scheduling process.
3. In fact they're not even contacted in the scheduling process.
4. We pay a fee, we file the appeal, we file the DR and that's really the end of any sort of control that we have.
5. I suggest to the Commission that you ask staff to at least make a phone call to the appellant, to the person whose appeal is going to be heard.
6. That would save a lot of trouble and save a lot of unnecessary appearances and movement of the calendar.

**E. CONSENT CALENDAR**

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

12. 2005.0960C (M. LI:  
(415) 558-6396)

1407 BUSH STREET - south side between Polk Street and Van Ness Avenue, Lot 002A in Assessor's Block 0670 - **Request for Conditional Use authorization** to establish a full-service restaurant (dba "Fina Estampa") of approximately 1,100 square feet. The subject commercial space was previously occupied by a retail paint store. There will be no physical expansion of the existing building or commercial space. The project site is within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):	None
ACTION:	Approved
AYES:	Antonini, Hughes, S. Lee, W. Lee
ABSENT:	Alexander, Bradford Bell, Olague
MOTION:	17160

**F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

None

**•G .REGULAR CALENDAR**

13a. 2005.0935TZC (J. PURVIS:  
(415) 558-6354)

4800 THIRD STREET - the southwest corner at Oakdale Avenue, Lot 45 in Assessor's Block 5322 - **Planning Code Text Amendment** under Planning Code Section 302 to establish the "Third Street and Oakdale Avenue Affordable Housing Special Use District," proposed to be added as Section 249.2830 of the Planning Code with associated amendments to Section 10 of the Zoning Map. The Planning Commission will consider a resolution recommending this Text Amendment to the Board of Supervisors. The proposed Special Use District would permit, with conditional use authorization, an affordable housing project with up to 18 dwelling units, at a building height of 50 feet, with modifications from off-street parking and rear yard requirements, within the NC-3 (Moderate-Scale Neighborhood Commercial) Land Use District and the 40-X Height and Bulk District,



proposed for zoning reclassification below.  
Preliminary recommendation: Approval.

**SPEAKER(S):**

**Sharene (unclear last name), Project Sponsor**

1. I just want to come before you today to represent the position of the project as it has now taking a new form.
2. About 18 months ago we came before you and received planning approval for what we then perceived to have been a tax credit project. The project did not meet the minimum standards that we felt to be competitive of a tax credit project and therefore we re-looked at the project and determined, with the support of the community, that a for-sale housing development would be welcome and beneficial on that site.
3. We at that time were able to increase the unit count from 15 to 18 when we removed the tax credit standards off the project.
4. We are also able now to petition the State of California for additional funding under the Begin Program.

**Rick Williams**

1. We have been before the PAC with modifications to the project to make sure that they have a clear understanding and clear support of the project.
2. The key component in changing the unit mix or the unit count from 15 to 18 units was the tax credit requirements were substantial for the proportion of three bedroom units. With this project we have a similar square footage but we modified the program to be a mix of one and two-bedroom units rather than having more three bedroom units.
3. The diagram shows the provision for strong street frontage with strong retail space along the street and the corner.
4. There's also a community display case, which the community had requested as part of the street frontage.

**ACTION:**     **Approved as amended:**

- On page 2, Line 3, Lines 2 and 3 where it describes the project as having ground floor retail space and 2000 square feet and ten off-street parking spaces, it should read: retail space of 2250 square feet and 11 off-street parking spaces.
1. On line 10 it refers to amending Section 249.27 which should be Section 249.30.
    - On page 4 the approvals required, line number 6 states that a rear yard variance pursuant to section 134 of the planning code would be required. It should say a modification or exception to the rear yard requirements of section 134 of the planning code.

AYES:	Antonini, Hughes, S. Lee, W. Lee
ABSENT:	Alexander, Bradford Bell, Olague
MOTION:	17161

13b.     2005.0935TZC  
(415) 558-6354)

(J. PURVIS:

**4800 THIRD STREET** - the southwest corner at Oakdale Avenue, Lot 45 in Assessor's Block 5322 - **Zoning Map Amendment** under Planning Code Section 302 to amend Map 10, Map 10H and Map10SU



of the Official Zoning Map of the City and County of San Francisco, to establish the "Third Street and Oakdale Avenue Affordable Housing Special Use District" at the subject site and to reclassify the Height and Bulk District from 40-X to 50-X at the subject site. The Planning Commission will consider a resolution recommending these Zoning Map Amendments to the Board of Supervisors.

Preliminary recommendation: Approval.

SPEAKERS: Same as Items 13a.  
 ACTION: Approved  
 AYES: Antonini, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander, Bradford Bell, Olague  
 RESOLUTION: 17162

13c. 2005.0935TZC (J. PURVIS:  
 (415) 558-6354)

4800 THIRD STREET - the southwest corner at Oakdale Avenue, Lot 45 in Assessor's Block 5322 - **Conditional Use authorization** under Planning Code Section 303 to demolish a vacant commercial building and construct a four-story, 50-foot building with up to 18 units of affordable housing and approximately 2,250 square feet of ground floor retail space, with modifications from off-street parking and rear yard requirements, within the NC-3 (Moderate-Scale Neighborhood Commercial) Land Use District and a 40-X Height and Bulk District, proposed for inclusion in the new Third Street and Oakdale Avenue Affordable Housing Special Use District and for reclassification to a 50-X Height and Bulk District.

Preliminary recommendation: Approval with Conditions.

SPEAKER(S): Same as Item 13a.  
 ACTION: Approved  
 AYES: Antonini, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander, Bradford Bell, Olague  
 RESOLUTION: 17163

14. 2004.0027ACEK (J. NAVARRETE:  
 (415) 558-5975)

900 MINNESOTA STREET - **Certification of a Final Environmental Impact Report.** On the north half of the block bounded by Minnesota Street, 20<sup>th</sup> Street, Indiana Street and 22<sup>nd</sup> Street, Lot 027 in Assessor's Block 4106 - The proposal is to demolish four buildings, partially demolish and rehabilitate a fifth building, alter and rehabilitate a sixth building, and construct four new buildings. The resultant project would include up to 142 dwelling units, approximately 168 off-street parking spaces, approximately 6,300 square feet of office space, and approximately 2,100 square feet of restaurant / commercial use, configured around two inner courtyards. The subject property is within an M-2 (Heavy Industrial) District, a 50-X Height and Bulk District, and the Dogpatch Historic District. The southeastern portion of the site, which is comprised of a private open space and would continue to be used as private open space, is located in an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District.

Preliminary Recommendation: Certify the Final Environmental Impact Report.

**NOTE: The public review period for the Draft Environmental Impact Report ended at 5:00 pm, October 25, 2005.**

**Public comments on the certification may be presented to the**

**Planning Commission during the Public Comment portion of the Commission calendar.**

SPEAKER(S): None  
 ACTION: Approved certification of the Final EIR  
 AYES: Antonini, Hughes, S. Lee, W. Lee  
 ABSENT: Alexander, Bradford Bell, Olague  
 MOTION: 17164

- 15a. 2004.0027ACEK (M. SNYDER:  
 (415) 575-6891)  
 900 MINNESOTA STREET - the north half of the block bounded by Minnesota Street, 20<sup>th</sup> Street, Indiana Street and 22<sup>nd</sup> Street, Lot 027 in Assessor's Block 4106 - **Request for Conditional Use authorization** to allow residential dwelling units within an M-2 (Heavy Industrial) District under Planning Code Section 215; and to allow a Planned Unit Development (PUD) under Planning Code Section 304. The proposal is to demolish four buildings, partially demolish and rehabilitate a fifth building, alter and rehabilitate a sixth building, and construct four new buildings. The resultant project would include up to 142 dwelling units, approximately 168 off-street parking spaces, approximately 6,300 square feet of office space, and approximately 2,100 square feet of restaurant / commercial use, configured around two inner courtyards. The Planned Unit Development authorization would include exceptions for density (Planning Code Section 215), the location of required rear yard (Planning Code Section 134(a)((1)(C))), loading (Planning Code Section 152), and the measurement of height (Planning Code Section 102.12). The subject property is within an M-2 (Heavy Industrial) District, a 50-X Height and Bulk District, and the Dogpatch Historic District. The southeastern portion of the site, which is comprised of a private open space and would continue to be used as private open space, is located in an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District.  
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):  
**John Wharton, Project Sponsor**

1. Gave an overall general description of the project's design.

**Janet Carbonelli**

1. Read a letter from Susan Eslee, President of Dogpatch Neighborhood Association, in which they strongly support the proposed mixed-use project at the historic Shilling Wine Cellar site.

**Ron Miguel, Housing Action Coalition**

1. Enthusiastically endorse this project.

**Steve (no last name stated), on behalf of project sponsor**

1. Made a clarification of a couple of things that Mr. Snyder stated.

ACTION: Approved adoption of CEQA findings  
 AYES: Antonini, Hughes, S. Lee, W. Lee

ABSENT: Alexander, Bradford Bell, Olague  
MOTION: 17165

- 15b. 2004.0027ACEK (M. SNYDER:  
(415) 575-6891)

900 MINNESOTA STREET - the north half of the block bounded by Minnesota Street, 20<sup>th</sup> Street, Indiana Street and 22<sup>nd</sup> Street, Lot 027 in Assessor's Block 4106 - **Request for a Certificate of Appropriateness** to demolish four structures, partially demolish and rehabilitate a fifth structure, alter and rehabilitate a sixth structure, and construct four new structures in the Dogpatch Historic District. The resultant project would include up to 142 dwelling units, approximately 168 off-street parking spaces, approximately 6,300 square feet of office space, and approximately 2,100 square feet of restaurant / commercial use, configured around two inner courtyards. The subject property is within an M-2 (Heavy Industrial) District, a 50-X Height and Bulk District, and the Dogpatch Historic District. The southeastern portion of the site, which is comprised of a private open space and would continue to used as private open space, is located in an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as Item 15a  
ACTION: without consideration, continued to January 5, 2006  
AYES: Antonini, Hughes, S. Lee, W. Lee  
ABSENT: Alexander, Bradford Bell, Olague

- 15c. 2004.0027ACEK (M. SNYDER:  
(415) 575-6891)

900 MINNESOTA STREET - the north half of the block bounded by Minnesota Street, 20<sup>th</sup> Street, Indiana Street and 22<sup>nd</sup> Street, Lot 027 in Assessor's Block 4106 - **Request for determination regarding the significance of net new shadow on Esprit Park caused by the construction of a residential development** that would include four new buildings that would be approximately 50 feet tall. The subject property is within an M-2 (Heavy Industrial) District, and a 50-X Height and Bulk District. The southeastern portion of the site, which is comprised of a private open space and would continue to used as private open space, is located in an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District.

Preliminary Recommendation: Determination that the net new shadow will not be significant or adverse.

SPEAKERS: Same as those listed for item 15a  
ACTION: Approved the determination that the net new shadow will not be significant of adverse.  
AYES: Antonini, Hughes, S. Lee, W. Lee  
ABSENT: Alexander, Bradford Bell, Olague  
MOTION: 17166

16. 2005.0991C (S. VELLVE:  
(415) 558-6263)

3011 STEINER STREET - west side between Union and Filbert Streets; Lot 004A in Assessor's Block 0535 - **Request for Conditional Use authorization** pursuant to Sections 303 and 186.1(b) of the Planning Code to expand a nonconforming full-service restaurant (Terzo) into the rear yard area within the Union Street Neighborhood

Commercial District and a 40-X Height and Bulk District. Conditional use is required to expand the nonconforming full-service restaurant into a proposed rear horizontal addition.

Preliminary Recommendation: Approval with Conditions.

SPEAKER(S): None  
 ACTION: Without hearing, continued to January 12, 2006  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

17. 2005.0666D (S. VELLVE:  
 (415) 558-6263)  
 3020-3024 BUCHANAN STREET - east side between Union and Filbert Streets, Lots 034 and 035 in Assessor's Block 0531 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2005.07.05.6780 proposing to merge two dwelling units into one dwelling unit in a structure located in an RH-2 (Residential, House, Two-Family) District, and 40-X Height/Bulk District.  
 Preliminary Recommendation: Take Discretionary Review and disapprove the permit.

SPEAKERS: None  
 ACTION: Without hearing, continued to January 5, 2006  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

- 18a. 2004.0393CV (G. CABREROS:  
 (415) 558-6169)  
 2443-2445 CLEMENT STREET - south side between 25<sup>th</sup> & 26<sup>th</sup> Avenues in the Outer Clement NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District, Lots 035 & 036 in Assessor's Block 1457 - **Request for Conditional Use authorization** under Planning Code Sections 121.1, 717.11 and 303 to allow development of a lot exceeding 5000 square feet in area. The proposal is to demolish an existing one-story shed spanning Lots 035 & 036, to demolish a one-story garage on Lot 035 and to partially demolish (alter) the rear half of the commercial store fronting Clement Street on Lot 035. The front half of the existing commercial building is proposed to be restored in association with new construction of a four-story, nine-unit mixed-use building with a 2,270 square-foot ground-floor commercial space and nine parking spaces at the basement level.  
 Preliminary Recommendation: Approval with Conditions

SPEAKERS:  
**Tony Kim, representing Project Sponsor**

1. Gave an overall general description of the project's description, design and neighborhood review process.

**Ron Miguel**

1. Supports the project.

**Oliver Harm**

1. Supports the project.

**Ryan, on behalf of Jimmy Canares**

1. Supports the project.

**Wendy Tam, read a letter from John Kwong**

1. Supports the project.

**Malloy, Mary Tom's property manager, read a letter from Spiros Johnson**

- All are in support of the project.

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee,

ABSENT: Alexander, Bradford Bell, Olague

MOTION: 17167

18b. 2004.0393CV  
(415) 558-6169)

(G. CABREROS:

2443-2445 CLEMENT STREET - south side between 25<sup>th</sup> & 26<sup>th</sup> Avenues, Lots 035 & 36 in Assessor's Block 1457 - **Request for Rear Yard and Dwelling Unit Exposure Variances** under Section 305 to allow new construction of a four-story, nine-unit mixed-use building with a 2,270 square-foot ground-floor commercial space and nine parking spaces at the basement level in the Outer Clement NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.

SPEAKERS: None

ACTION: The Zoning Administrator closed public hearing and granted the variances

19a. 2005.0620D  
(4125) 558-6169)

(G. CABREROS:

2929 STEINER STREET - west side between Union and Green Streets; Lot 004 in Assessor's Block 0538 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2005.04.22.0687, proposing to demolish an existing single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKER(S):

**Chris Ford, Architect for the project.**

1. Asked the Commission to allow the demolition
2. Stated that they welcome the opportunity to work further with staff and to hire a landscape architect to further develop the plans for the planting and irrigation
3. We want to try to move forward as fast as we can with your acceptance of the concept of the garden and the general approach that we're taking to allow what we view as the dangerous structure to be removed as soon as possible.

**Father King, Project Sponsor**

1. That building is not safe. It has been judged unsafe.
2. It is a fire hazard to our community



MOTION: To not take Discretionary Review and approve the demolition  
 AYES: Antonini, S. Lee, W. Lee,  
 NAYES: Hughes  
 ABSENT: Alexander, Bradford Bell, Olague  
 RESULT: Motion failed

ACTION: Continue to January 19, 2006  
 AYES: Hughes, S. Lee and W. Lee  
 NAYES: Antonini  
 ABSENT: Alexander, Bradford Bell, and Olague  
 RESULT: Motion passes

19b. 2005.1112D (G. CABREROS:  
 (415) 558-6169)

2929 STEINER STREET - west side between Union and Green Streets; Lot 004 in Assessor's Block 0538 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2005.08.18.0678, proposing installation of a landscaped garden / open space in lieu of a residential replacement building in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.

ACTION: Continued to January 19, 2006  
 AYES: Hughes, S. Lee, W. Lee,  
 NAYES: Antonini  
 ABSENT: Alexander, Bradford Bell and Olague

20a. 2005.0032DV (M. WOODS:  
 (415) 558-6315)

1043-1045 FRANCISCO STREET - south side between Larkin and Polk Streets; Lot 020 in Assessor's Block 0477 - **Request for Discretionary Review** of Building Permit Application No. 2004.02.10.6005S, proposing to construct a one-story horizontal addition over the existing one-story extension at the rear of a two-story over basement, two-family building, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised

SPEAKERS: None  
 ACTION: Without hearing, continued to January 19, 2006  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell and Olague

20b. 2005.0032DV (M. WOODS:  
 (415) 558-6315)

1043-1045 FRANCISCO STREET - south side between Larkin and Polk Streets; Lot 020 in Assessor's Block 0477 - **Request for a Rear Yard Variance** to allow the construction of a one-story horizontal addition over the existing one-story extension at the rear of a two-story,

two-family building. The last three feet of the addition extends into the required rear yard pursuant to Section 134 of the Planning Code. The project site is in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

SPEAKERS: None  
 ACTION: Without hearing, continued to January 19, 2006  
 AYES: Antonini, Hughes, S. Lee, W. Lee,  
 ABSENT: Alexander, Bradford Bell, Olague

21. 2005.0884D (R. CRAWFORD:  
 (415) 558-6358)

79-81 CHATTANOOGA STREET - east side between 21<sup>st</sup> and 22<sup>nd</sup> Streets. Assessor's Block 3617 Lot 070 - **Request for Discretionary Review** of Building Permit Application No. 2005 0504 1622 to construct a new fourth floor and an addition to the rear of the existing three-story two-family building in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk district.

Preliminary Recommendation: Do not take Discretionary Review and

approve

***DISCRETIONARY REVIEW APPLICATION WITHDRAWN***

## H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) Responding to statements made or questions posed by members of the public; or
- (2) Requesting staff to report back on a matter at a subsequent meeting; or
- (3) Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

### Joe O'Donoghue

- I find it ironic that throughout the '90s when the Residential Builders through Sue Hester was fighting protest after protest, brief after brief on behalf of an undisclosed client that delayed and cost projects thousands of dollars that never once did any bureaucrat in the Planning Department raise the issue of who the undisclosed client was.

- However, now that the Andrews Act is filed on behalf of an undisclosed client, suddenly it has become an issue.
- That is fine.
- I disagree with everything Andrew Zaches does, but I respect his right to do it.
- But we are not going to be precluded from the cover up that is happening at the Building Department.
- There was no investigation done on this property.
- Every complaint that has been done to the Bureau of Building Inspection in the past warrants an investigation when asked for.
- None has been granted.
- Everyone has freedom of speech and people have the right to protest.
- Again there is an attempt to deflect from the issue
- And it is a cover up.
- Actually the Zoning Director should not testify like the Building Department officials who are precluded from testifying. They should have brought in an outsider to testify because of the relationship.
- This of course doesn't end here.

Adjournment:

**3:50**

**p.m.**

**THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, APRIL 13, 2006.**

**SPEAKERS:** None

**ACTION:** Approved

**AYES:** Antonini, Hughes, W. Lee, S. Lee

**EXCUSED:** Olague

**ABSENT:** Alexander and Bradford-Bell

3068









